ANNEXURE-I

FORM NO. 1 (COMPLAINT)
[See Rule 4(1)]
Before the Lokayukta/Upalokayukta for Karnataka

1. Name and Address of the Complainant for all Correspondence in respect of the complaint.

2. Name and Address of the Public Servant complained against

3. Brief facts relating to the action complained of: (Complainant’s affidavit in the Form-II to be enclosed)

4. If the complainant or the person for whom he is acting is aggrieved the nature of the grievance should be specifically mentioned:

5. Name and Address of the witnesses whom the complainant desires to examine in support of the allegations:

6. Particulars of the documents relied upon by the Complainant in support of the allegation:

7. If the documents relied upon or their true copies are available with the Complainant they should be enclosed and details thereof should be furnished.

8. Did the complainant make a complaint previously to Lokayukta or the Upalokayukta or any other authority for redressal of his grievance. In respect of the action now Complained of against the public servant mentioned in column (3).( Particulars to be furnished together with the result of previous Complaint).

9. Remarks, if any.

Note:-Copies of affidavits and documents shall be enclosed in duplicate for office use and in as many sets as there are public servants complained against.

Place____________________
Date: ____________________ Signature or the thumb impression of the Complainant.

358
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Name and Address of the Complainant for all Correspondence in respect of the complaint.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Name and Address of the Public Servant complained against</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Brief facts relating to the action complained of: (Complainant’s affidavit in the Form-II to be enclosed)</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>If the complainant or the person for whom he is acting is aggrieved the nature of the grievance should be specifically mentioned:</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Name and Address of the witnesses whom the complainant desires to examine in support of the allegations:</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Particulars of the documents relied upon by the Complainant in support of the allegation:</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>If the documents relied upon or their true copies are available with the Complainant they should be enclosed and details thereof should be furnished.</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Did the complainant make a complaint previously to Lokayukta or the Upalokayukta or any other authority for redress of his grievance. In respect of the action now Complained of against the public servant mentioned in column (3).( Particulars to be furnished together with the result of previous Complaint).</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Remarks, if any.</td>
<td></td>
</tr>
</tbody>
</table>

Note:-Copies of affidavits and documents shall be enclosed in duplicate for office use and in as many sets as there are public servants complained against.

Place____________________
Date: ____________________                                                   Signature or the thump impression of the Complainant.
ANNEXURE-III

FORM-IV
(Statement of Assets and Liabilities)
(See Rule 7)

Statement of Assets and Liabilities filed by.................................................................
.............................................................................................................. (here specify the name and
designation of the Public Servant) for the financial year ending 31st March.................................

(Note: - Every column appearing in the form has to be filled in words not by dashes and dots)

1. The permanent address (with Telephone no and Mobile no. if any) of the public
servant

2. Names of the members of the Family of the
class of the
class of the

Note: Statement of Assets and Liabilities of the public servant and his family members ("family of a
class of the
class of the

Particulars to be
furnished

<table>
<thead>
<tr>
<th>Public Servant</th>
<th>Spouse</th>
<th>Dependent Father</th>
<th>Dependent Mother</th>
<th>Dependent Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

a) Cash
i. Cash on hand
ii. Cash kept in locker
iii. Whether it is
iv. If not, mention the source
of acquisition

b) Bank deposits
i. Account / Certificate No.
nature of deposit, amount
and name & branch of bank
ii. Whether it is personal
savings
iii. If not, mention the source
of acquisition
iv. Date of deposit

c) Bank Accounts
i) Account No. & nature of A/C
amount and name & branch
### a) Money advanced to others as loan or otherwise
- i. Amount, date and name of the person to whom the money is advanced
- ii. Whether it is personal savings
- iii. If not, mention the source of acquisition

### b) Shares, Debentures or Deposits in Companies
- i. Particulars of shares, debentures or deposits in companies (furnish address of company) and amount invested
- ii. Whether it is personal savings
- iii. If not, mention the source of acquisition

### c) Government and other Securities
- i. Particulars of securities, name & place of office of Government / Company and amount invested
- ii. Whether it is personal savings
- iii. If not, mention the source of acquisition

### d) National Savings
Certificates and other Certificates obtained through the Post Office,
- i. No. of the NSCs and other certificates, amount, name & place of post office
- ii. Whether it is personal savings
- iii. If not, mention the source of acquisition

### e) National Savings
- Account /Certificate Nos
- nature of deposit, amount and name & place of Post Office
- Whether it is personal savings
- If not, mention the source of acquisition

### f) Post Office Accounts
- Account /Certificate Nos
- nature of deposit, amount and name & place of Post Office
- Whether it is personal savings
- If not, mention the source of acquisition

### j) Insurance Policies and Provident Funds
- i. Particulars of Insurance Policies and Provident Funds
- ii. Whether it is personal savings
- iii. If not, mention the source of acquisition
### 5. Moveable properties other than that covered by Item 4 as on 31st March............

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Jewellery and Bullion</td>
</tr>
<tr>
<td></td>
<td>i. Particulars</td>
</tr>
<tr>
<td></td>
<td>ii. Cost and date of acquisition</td>
</tr>
<tr>
<td></td>
<td>iii. Whether it is out of personal savings</td>
</tr>
<tr>
<td></td>
<td>iv. If not, mention the source of acquisition</td>
</tr>
<tr>
<td>b.</td>
<td>Vehicles</td>
</tr>
<tr>
<td></td>
<td>i. Particulars</td>
</tr>
<tr>
<td></td>
<td>ii. Cost and date of acquisition</td>
</tr>
<tr>
<td></td>
<td>iii. Whether it is out of personal savings</td>
</tr>
<tr>
<td></td>
<td>iv. If not, mention the source of acquisition</td>
</tr>
<tr>
<td>c.</td>
<td>Antiques beyond the value of Rs. 10,000/-</td>
</tr>
<tr>
<td></td>
<td>i. Particulars</td>
</tr>
<tr>
<td></td>
<td>ii. Cost and date of acquisition</td>
</tr>
<tr>
<td></td>
<td>iii. Whether it is out of personal savings</td>
</tr>
<tr>
<td></td>
<td>iv. If not, mention the source of acquisition</td>
</tr>
<tr>
<td>d.</td>
<td>Silverware</td>
</tr>
<tr>
<td></td>
<td>i. Particulars</td>
</tr>
<tr>
<td></td>
<td>ii. Cost and date of acquisition</td>
</tr>
<tr>
<td></td>
<td>iii. Whether it is out of personal savings</td>
</tr>
<tr>
<td></td>
<td>iv. If not, mention the source of acquisition</td>
</tr>
<tr>
<td>e.</td>
<td>Investments in Business Concerns</td>
</tr>
<tr>
<td></td>
<td>i. Particulars</td>
</tr>
<tr>
<td></td>
<td>ii. Cost and date of acquisition</td>
</tr>
<tr>
<td></td>
<td>iii. Whether it is out of personal savings</td>
</tr>
<tr>
<td></td>
<td>iv. If not, mention the source of acquisition</td>
</tr>
<tr>
<td>f.</td>
<td>Other Household goods including furniture costing more than Rs.25,000/- each</td>
</tr>
</tbody>
</table>

### 6. Immovable Properties as on 31st March............

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Agricultural lands</td>
</tr>
<tr>
<td></td>
<td>i. Survey No. and place</td>
</tr>
<tr>
<td></td>
<td>ii. Extent</td>
</tr>
<tr>
<td></td>
<td>iii. Whether dry, wet, garden or plantation land</td>
</tr>
<tr>
<td></td>
<td>iv. Whether ancestral, joint or separate property</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>v.</td>
<td>If not, mention the source of acquisition</td>
</tr>
<tr>
<td>vi.</td>
<td>Cost and date of acquisition</td>
</tr>
<tr>
<td>vii.</td>
<td>Whether it is out of personal savings</td>
</tr>
<tr>
<td></td>
<td>b. Non-agricultural lands which have not been built upon</td>
</tr>
<tr>
<td>i.</td>
<td>No, assigned to the land and place where situated</td>
</tr>
<tr>
<td>ii.</td>
<td>Extent</td>
</tr>
<tr>
<td>iii.</td>
<td>Whether ancestral</td>
</tr>
<tr>
<td>iv.</td>
<td>Cost and date of acquisition</td>
</tr>
<tr>
<td>v.</td>
<td>Whether it is out of personal savings</td>
</tr>
<tr>
<td>vi.</td>
<td>If not, mention the source of acquisition</td>
</tr>
<tr>
<td></td>
<td>c. Buildings (including flats)</td>
</tr>
<tr>
<td>i.</td>
<td>Complete address of the buildings with dimension</td>
</tr>
<tr>
<td>ii.</td>
<td>Cost and date of acquisition</td>
</tr>
<tr>
<td>iii.</td>
<td>Whether ancestral, joint or separate property</td>
</tr>
<tr>
<td>iv.</td>
<td>Whether it is out of personal savings</td>
</tr>
<tr>
<td>v.</td>
<td>If not, mention the source of acquisition</td>
</tr>
<tr>
<td></td>
<td>d. Other immovable property</td>
</tr>
<tr>
<td>i.</td>
<td>Particulars of other immovable property with dimension</td>
</tr>
<tr>
<td>ii.</td>
<td>Cost and date of acquisition</td>
</tr>
<tr>
<td>iii.</td>
<td>Whether ancestral, joint or separate property</td>
</tr>
<tr>
<td>iv.</td>
<td>Whether it is out of personal savings</td>
</tr>
<tr>
<td>v.</td>
<td>If not, mention the source of acquisition</td>
</tr>
<tr>
<td></td>
<td>7 Liabilities as on 31st March.......</td>
</tr>
<tr>
<td>a.</td>
<td>Nature, extent and other particulars of liability and the date when it was incurred</td>
</tr>
<tr>
<td>b.</td>
<td>Name and address of the person to whom (creditor) liable</td>
</tr>
</tbody>
</table>

I, .....................................................................................do hereby solemnly declare that the information furnished above is true and that nothing relevant has been omitted there from.

Station: Signature of the Public Servant

Date:

Designation.............................
ANNEXURE-IV

KARNATAKA LOKAYUKTA ACT, 1984.

An act to make provision for the appointment and functions of certain authorities for making enquiries into administrative action relatable to matters specified in List II or List III of the Seventh Schedule to the Constitution, taken by or on behalf of the Government of Karnataka or certain public authorities in the State of Karnataka (including any omission or commissions in connection with or arising out of such action) in certain cases and for matters connected therewith or ancillary thereto.

Whereas it is expedient to make provision for the appointment and functions of certain authorities for making enquiries into administrative action relatable to matters specified in List II or List III of the Seventh Schedule to the Constitution taken by or on behalf of the Government of Karnataka or certain public authorities in the State of Karnataka (including any Omission of commission in connection with or arising out of such action) in certain cases and for matters connected therewith or ancillary thereto:-

Be it enacted by the Karnataka Legislature in Thirty-fourth Year of the Republic of India as follows:-

1. Short title and commencement.-
   (1) This Act may be called the Karnataka Lokayukta Act, 1984.
   (2) It shall come into force on such date as the State Government may, by notification appoint.

2. Definitions:- In this Act, unless the context otherwise requires,-
   (1) “Action” means administrative action taken by way of decision, recommendation or finding or in any other manner and includes wilful failure or omission to act and all other expressions relating to such action shall be construed accordingly;
   (2) “Allegation” in relation to a public servant includes any affirmation that such public servant-
       (a) has abused his position as such public servant to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;
       (b) was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives;
       (c) is guilty of corruption, favouritism, nepotism or lack of integrity in his capacity as such public servant;
       OR
       (d) has failed to act in accordance with the norms of integrity and conduct which ought to be followed by public servants of the class to which he belongs;
   (3) “Chief Minister” means the Chief Minister of Karnataka;
   (4) “Competent Authority” in relation to a public servant means-
       (a) in the case of Chief Minister or a member of the State Legislature, the Governor acting in his discretion;
       (b) in the case of a Minister or Secretary, the Chief Minister;
       (c) in the case of a Government servant other than a Secretary, the Government of Karnataka;
       (d) in the case of any other public servant, such authority as may be prescribed
   (5) “Corruption” includes anything made punishable under Chapter IX of the Indian Penal Code or under the Prevention of Corruption Act, 1947;
   (6) “Government Servant” means a person who is a member of the Civil Services of the State of Karnataka or who holds a civil post or is serving in connection with the affairs of the State of Karnataka and includes any such person whose services are temporarily placed at the disposal of the Government of India, the Government of another State, a local authority or any person whether incorporated or not, and also any person in the service of the Central or another State Government or a local or other authority whose services are temporarily placed at the disposal of the Government of Karnataka;
   (7) “Governor” means the Governor of Karnataka;
   (8) “Grievance” means a claim by a person that he sustained injustice or undue hardship in consequence of mal-administration;
(9) “Lokayukta” means the person appointed as the Lokayukta under section 3;
(10) “Mal-administration” means action taken or purporting to have been taken in the exercise of administrative function in any case where,-
   (a) Such action or the administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory; or
   (b) There has been wilful negligence or undue delay in taking such action or the administrative procedure or practice governing such action involves undue delay;
(11) “Minister” means a member of the Council or Ministers for the State of Karnataka, but excluding the Chief Minister;
(12) “Public servant” means a person who is or was at any time,-
   (a) The Chief Minister;
   (b) A Minister;
   (c) A Member of the State Legislature;
   (d) A Government servant;
   (e) the Chairman and Vice-Chairman (by whatever name called) or a member of a local authority in the State of Karnataka or a statutory body or corporation established by or under any law of the State Legislature, including a co-operative society, or a Government Company within the meaning of section 617 of the Companies Act, 1956 and such other corporations or boards as the State Government may, having regard to its financial interest in such corporations or boards, by notification, from time to time, specify;
   (f) Member of a Committee or Board, statutory or non-statutory, constituted by the Government;
   (g) A person in the service of pay of,-
      (i) a local authority in the State of Karnataka;
      (ii) a statutory body or a corporation (not being a local authority) established by or under a State or Central Act, owned or controlled by the State Government and any other board or Corporation as the State Government may, having regard to its financial interest therein by notification, from time to time, specify;
      (iii) a company registered under the Companies Act, 1956, in which not less than fifty one percent of the paid up share capital is held by the State Government, or any company which is a subsidiary of such company;
      (iv) a society registered or deemed to have been registered under the Karnataka Societies Registration Act, 1960, which is subject to the control of the State Government and which is notified in this behalf in the Official Gazette;
      (v) a co-operative Society;
      (vi) a university
Explanation- In this clause, “co-operative society” means a co-operative society registered or deemed to have been registered under the Karnataka Co-operative Societies Act, 1959, and “university” means a university established or deemed to be established by or under any law of the State Legislature;
(13) “Secretary” means the Chief Secretary, an Additional Chief Secretary, an Additional Chief Secretary, a Principal Secretary, a Secretary, or a Secretary-II to the Government of Karnataka and includes a Special Secretary, an Additional Secretary and a Joint Secretary;
(14) “Upalokayukta” means a person appointed as Upalokayukta under Section 3.

3. Appointment of Lokayukta and Upalokayukta.-
   (1) For the purpose of conducting investigations and enquiries in accordance with the provisions of this Act, the Governor shall appoint a person to be known as the Lokayukta and one or more persons to be known as the Upalokayukta or Upalokayuktas.
   (2) (a) A person to be appointed as the Lokayukta shall be a person who has held the office of a Judge of the Supreme Court or that of the Chief Justice of a High Court and shall be appointed on the advice tendered by the Chief Minister in consultation with the Chief Justice of the High Court of Karnataka, the Chairman, Karnataka Legislative Council, the Speaker, Karnataka Legislative Assembly, the Leader of the Opposition in the Karnataka Legislative Council and the Leader of the Opposition in the Karnataka Legislative Assembly.
(b) A person to be appointed as an Upalokayukta shall be a person who has held the
office of the Judge of a High Court and shall be appointed on the advice tendered by the
Chief Minister in consultation with the Chief Justice of the High Court of Karnataka, the
Chairman, Karnataka Legislative Council, the Speaker, Karnataka Legislative Assembly,
the Leader of the opposition in the Karnataka Legislative Council and the Leader of the
opposition in the Karnataka Legislative Assembly.

(3) A person appointed as the Lokayukta or an Upalokayukta shall, before entering upon his
office, make and subscribe before the Governor, or some person appointed in that behalf
of him, an oath or affirmation in the form set out for the purpose in the First Schedule.

4. Lokayukta or Upalokayukta not to hold any other office.- The Lokayukta or Upalokayukta
shall not be a member of the Parliament or be a member of the Legislature of any State and shall not
hold any office or trust of profit (other than his office as Lokayukta or Upalokayukta) or be
connected with any political party or carry on any business or practice any profession
and accordingly, before he enters upon his office, a person appointed as the Lokayukta or an
Upalokayukta shall-
   a. if he is a Member of the Parliament or of the Legislature of any State, resign such
      membership;
   or
   b. if he holds any office of trust or profit, resign from such office; or
   c. if he is connected with any political party, sever his connection with it; or
   d. if he is carrying on any business, sever his connection (short of divesting himself of
      ownership) with the conduct and management of such business; or
   e. if he is practicing any profession, suspend practice of such profession.

5. Term of office and other conditions of service of Lokayukta and Upalokayukta.–
   (1) A person appointed as the Lokayukta or Upalokayukta shall hold office for a term of
   five years from the date on which he enters upon his office;
   Provided that,-
      (a) The Lokayukta or an Upalokayukta may, by writing under his hand
          addressed to the Governor, resign his office;
      (b) The Lokayukta or an Upalokayukta may be removed from office in
          the manner provided in Section 6.
   (2) On ceasing to hold office, the Lokayukta or an Upalokayukta shall be ineligible for
   further employment to any office of profit under the Government of Karnataka or in
   any authority, corporation, company, society or university referred to in item (g) of
   clause (12) of section 2.
   (3) There shall be paid to the Lokayukta and the Upalokayukta every month a salary equal
to that of the Chief Justice of a High Court and that of a Judge of the High Court
respectively;
   (4) The allowances payable to and other conditions of service of the Lokayukta or an
Upalokayukta shall be such as may be prescribed;
   Provided that.-
      (a) in prescribing the allowances payable to and other conditions of
          service of the Lokayukta, regard shall be had to the allowances
          payable to and other conditions of service of the Chief Justice of
          India;
      (b) in prescribing the allowances payable to and other conditions of
          service of the Upalokayukta, regard shall be had to the allowances
          payable to and other conditions of service of a Judge of the High
          Court;
      (c) no Dearness Allowance shall be payable either to the Lokayukta or
          Upalokayukta:
   Provided further that the allowances payable to and other conditions of service of the
Lokayukta or Upalokayukta shall not be varied to his disadvantage of his appointment.
(5) The administrative expenses of the office of the Lokayukta and Upalokayukta
including all salaries, allowances and pensions payable to or in respect of persons
serving in that office, shall be charged on the Consolidated Fund of the State.
6. **Removal of Lokayukta or Upalokayukta.**

   (1) The Lokayukta or an Upalokayukta shall not be removed from his office except by an order of the Governor passed after an address by each House of the State Legislature supported by a majority of the total membership of the House and by a majority of not less than two thirds of the members of that House present and voting has been presented to the Governor in the same session for such removal on the ground of proved misbehaviour or incapacity.

   (2) The procedure of the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of the Lokayukta or an Upalokayukta under sub-section (1) shall be as provided in the Judges (Inquiry) Act, 1968 in relation to the removal of a Judge and accordingly the provisions of that Act shall, mutatis mutandis, apply in relation to the removal of the Lokayukta and Upalokayukta as they apply in relation to the removal of a Judge.

7. **Matters which may be investigated by the Lokayukta and an Upalokayukta.**

   (1) Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by or with the general or specific approval of:

   a. (i) the Chief Minister;
   (ii) a Minister
   (iii) a member of the State Legislature;
   (iv) the Chairman and Vice-Chairman (by whatever name called) or a member of an authority, board, or a committee, a statutory or non-statutory body or a corporation established by or under any law of the State Legislature including a society, cooperative society or a Government company within the meaning of section 617 of the Companies Act, 1956, nominated by the State Government;

   in any case where a complaint involving a grievance or an allegation is made in respect of such action.

   b. any other public servant holding a post or office carrying either a fixed pay, salary or remuneration of more than rupees twenty thousand per month or a pay scale the minimum of which is more than rupees twenty thousand, as may be revised from time to time in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Lokayukta, recorded in writing, the subject of a grievance or an allegation.

   (2) Subject to the provisions of the Act, an Upalokayukta may investigate any action which is taken by or with the general or specific approval of, any public servant not being the Chief Minister, Minister, Member of the Legislature, Secretary or other public servant referred to in sub-section (1), in any case where a complaint involving a grievance or an allegation is made in respect of such action or such action can be or could have been, in the opinion of the Upalokayukta, recorded in writing, the subject of a grievance or an allegation.

   2A) notwithstanding anything contained in sub-sections (1) and (2), the Lokayukta or an Upalokayukta may investigate any action taken by or with the general or specific approval of a public servant, if it is referred to him by the State Government.

   (3) Where two or more Upalokayuktas are appointed under this Act, the Lokayukta may, by general or special order, assign to each of them matters which may be investigated by them under this Act.

   Provided that no investigation made by an Upalokayukta under this Act and no action taken or things done by him in respect of such investigation shall be open to question on the ground only that such investigation relates to a matter which is not assigned to him by such order.

   (4) Notwithstanding anything contained in sub-sections (1) to (3), when the office of an Upalokayukta is vacant by reason of his death, resignation, retirement, removal or otherwise or when an Upalokayukta is unable to discharge his functions owing to absence, illness or any other cause, his function may be discharged by the other Upalokayukta, if any and if there is no other Upalokayukta by the Lokayukta.
8. Matters not subject to investigation.

(1) Except as hereinafter provided, the Lokayukta or an Upalokayukta shall not conduct any investigation under this Act in the case of a complaint involving a grievance in respect of any action, -
   (a) if such action relates to any matter specified in the Second Schedule; or
   (b) if the complainant has or had, any remedy by way of appeal, revision, review or other proceedings before any tribunal, Court officer or other authority and has not availed of the same

(2) The Lokayukta or an Upalokayukta shall not investigate, -
   (a) any action in respect of which a formal and public enquiry has been ordered with the prior concurrence of the Lokayukta or an Upalokayukta, as the case may be;
   (b) any action in respect of a matter which has been referred for inquiry, under the Commission of Inquiry Act, 1952 with the prior concurrence of the Lokayukta or an Upalokayukta, as the case may be;
   (c) any complaint involving a grievance made after the expiry of a period of six months from the date on which the action complained against become known to the complainant; or
   (d) any complaint involving an allegation made after the expiry of five years from the date on which the action complained against is alleged to have taken place:

Provided that he may entertain a complaint referred to in clauses (c) and (d) if the complainant satisfies that he had sufficient cause for not making the complaint within the period specified in those clauses.

(3) In the case of any complaint involving a grievance, nothing in this Act shall be construed as empowering the Lokayukta or an Upalokayukta to question any administrative action involving the exercise of a discretion except where he is satisfied that the elements involved in the exercise of the discretion are absent to such an extent that the discretion can prima facie be regarded as having been improperly exercised.


(1) Subject to the provisions of this Act, any person may make a complaint under this Act to the Lokayukta or an Upalokayukta.

Provided that in case of a grievance, if the person aggrieved is dead or for any reason, unable to act for himself, the complaint may be made or if it is already made, may be prosecuted by his legal representatives or by any other person who is authorized by him in writing in this behalf.

(2) Every complaint shall be made in the form of a statement supported by an affidavit and in such forms and in such manner as may be prescribed.

(3) Where the Lokayukta or an Upalokayukta proposes, after making such preliminary inquiry as he deemed fit to conduct any investigation under this Act, he,-
   (a) shall forward a copy of the complaint and in the case of an investigation initiated suo-motu by him, the opinion recorded by him to initiate the investigation under sub-section (1) or (2), as the case may be, of section 7; to the public servant and the Competent Authority concerned;
   (b) shall afford to such public servant an opportunity to offer his comments on such complaint or opinion recorded under sub-section (1) and (2) of section 7 as the case may be;
   (c) may make such order as to the safe custody of documents relevant to the investigation, as he deems fit.

(4) Save as aforesaid, the procedure for conducting any such investigation shall be such, and may be held either in public or in camera, as the Lokayukta or the Upalokayukta, as the case may be, considers appropriate in the circumstances of the case.

(5) The Lokayukta or the Upalokayukta may, in his discretion, refuse to investigate or cease to investigate any complaint involving a grievance or an allegation, if in his opinion,-
   (a) the complaint is frivolous or vexatious or is not made in good faith;
   (b) There are no sufficient grounds for investigating or, as the case may be, for continuing the investigation; or
   (c) Other remedies are available to the complainant and in the circumstances of the case it would be more proper for the complainant to avail such remedies.
(6) In any case where the Lokayukta or an Upalokayukta decides not to entertain a complaint or to discontinue any investigation in respect of a complaint he shall record his reasons there for and communicate the same to the complainant and the public servant concerned.

(7) The conduct of an investigation under this Act against a Public servant in respect of any action shall not affect such action, or any power or duty of any other public servant to take further action with respect to any matter subject to the investigation.

10. Issue of Search Warrant, etc.-

(1) Wherein consequence of information in his possession, the Lokayukta or an Upalokayukta –

(a) has reason to believe that any person, –

(i) to whom a summon or notice under this Act, has been or might be issued, will not or would not produce or cause to be produced any property, document or thing which will be necessary or useful for or relevant to any inquiry or other proceeding to be conducted by him;

(ii) is in possession of any money, bullion, jewellery or other valuable article or thing and such money, bullion, jewellery or other valuable article or thing represents either wholly or partly income or property which has not been disclosed to the authorities for the purpose of any law or rule in force which requires such disclosure to be made; or

(b) considers that the purposes of any inquiry or other proceedings to be conducted by him will be served by a general search or inspection, he may by a search warrant authorize any Police officer not below the rank of an Inspector of Police to conduct a search or carry out an inspection in accordance therewith and in particular to,

(i) enter and search any building or place where he has reason to suspect that such property, document, money, bullion, jewellery or other valuable article or thing is kept;

(ii-a) search any person who is reasonably suspected of concealing about his person any article for which search should be made;

(ii) break open the lock of any door, box, locker safe, almirah or other receptacle for exercising the powers conferred by sub-clause (i) where the keys thereof are not available.

(iii) Seize any such property, document, money, bullion, jewellery or other valuable article or thing found as a result of such search;

(iv) place marks of identification on any property or document or make or cause to be made; extracts or copies therefrom; or

(v) make a note or an inventory of any such property, document, money, bullion, Jewellery or other valuable article or thing.

(2) The provisions of the Code of Criminal Procedure, 1973, relating to search and seizure shall apply, so far as may be, to searches and seizures under sub-section (1).

(3) A warrant issued under sub-section (1) shall for all purposes, be deemed to be a warrant issued by a court under section 93 of the Code of Criminal Procedure, 1973.

11. Evidences.-

(1) Subject to the provisions of this section, for the purpose of any investigation (including the preliminary inquiry, if any, before such investigation) under this Act, the Lokayukta or an Upalokayukta may require any public servant or any other person who, in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purpose of any such investigation (including the preliminary inquiry) the Lokayukta or an Upalokayukta shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 , in respect of the following matters, namely:-

(a) Summoning and enforcing the attendance of any person and examining him on oath;

(b) Requiring the discovery and production of any document;

(c) Receiving evidence on affidavits;

(d) Requisitioning any public record or copy thereof from any court or office;

(e) Issuing commissions for the examination of witnesses or documents;
such other matters as may be prescribed.

(3) Any proceeding before the Lokayukta or an Upalokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

(4) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document.
   
   (a) as might prejudice the affairs of the State of Karnataka or the security or defence or international relations of India (including India’s relations with the Government of any other country or with any international organisation);
   
   (b) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet, and for the purpose of this sub-section, a certificate issued by the Chief Secretary certifying that any information, answer or portion of a document is of the nature specified in clause (a) or clause (b), shall be binding and conclusive.

(5) For the purpose of investigation under this Act no person shall be compelled to give any evidence or produce any document, which he could not be compelled to give or produce in proceedings before a court.

12. Reports of the Lokayukta.-

(1) If, after investigation of any action involving a grievance has been made, the Lokayukta or an Upalokayukta is satisfied that such action has resulted in injustice or undue hardship to the complainant or to any other person, the Lokayukta or an Upalokayukta shall, by a report in writing, recommend to the competent authority concerned that such injustice or hardship shall be remedied or redressed in such manner and within such time as may be specified in the report.

(2) The competent authority to whom a report is sent under sub-section (1) shall, within one month of the expiry of the period specified in the report, intimate or cause to be intimated to the Lokayukta the Upalokayukta the action taken on the report.

(3) If, after investigation of any action involving an allegation has been made, the Lokayukta or an Upalokayukta is satisfied that such allegation is substantiated either wholly or partly, he shall by report in writing communicate his findings and recommendations along with the relevant documents, materials and other evidence to the competent authority.

(4) The Competent authority shall examine the report forwarded to it under sub-section (3) and within three months of the date of receipt of the report, intimate or cause to be intimated to the Lokayukta or the Upalokayukta the action taken or proposed to be taken on the basis of the report.

(5) If the Lokayukta or the Upalokayukta is satisfied with the action taken or proposed to be taken on his recommendations or findings referred to in sub-sections (1) and (3), he shall close the case under information to the complainant, the public servant and the competent authority concerned; but where he is not so satisfied and if he considers that the case so deserves, he may make a special report upon the case to the Governor and also inform the Competent Authority concerned and the Complainant.

(6) The Lokayukta shall present annually a consolidated report on the performance of his functions and that of the Upalokayukta under this Act to the Governor.

(7) On receipt of the special report under sub-section (5), or the annual report under sub-section (6), the Governor shall cause a copy thereof together with an explanatory memorandum to be laid before each House of the State Legislature.

(8) The Lokayukta or an Upalokayukta may at his discretion make available, from time to time, the substances of cases closed or otherwise disposed of by him which may appear to him to be of general, public, academic or professional interest in such manner and to such persons as he may deem appropriate.

13. Public servant to vacant Office if directed by Lokayukta etc.-

(1) Where after investigation into a complaint the Lokayukta or an Upalokayukta is satisfied that the complaint involving an allegation against the public servant is substantiated and that the public servant concerned should not continue to hold the post held by him, the Lokayukta or the Upalokayukta shall make a declaration to that effect in his report under sub-section (3) of section 12. Where the competent authority is the Governor, State Government or the Chief Minister, it may either accept or reject the declaration after giving an opportunity of being heard. In other cases, the competent authority shall send a
copy of such report to the State Government, which may either accept or reject the declaration. If it is not rejected within a period of three months from the date of receipt of the report, or the copy of the report, as the case may be, it shall be deemed to have been accepted on the expiry of the said period of three months.

(2) If the declaration so made is accepted or is deemed to have been accepted, the fact of such acceptance or the deemed acceptance shall immediately be intimated by Registered post by the Governor, the State Government or the Chief Minister if any of them is the competent authority and the State Government in other cases then, notwithstanding anything contained in any law, order, notification, rule or contract of appointment, the public servant concerned shall, with effect from the date of intimation of such acceptance or of the deemed acceptance of the declaration,

(a) if the Chief Minister or a Minister resign his office of the Chief Minister, or Minister, as the case may be;
(b) if a public servant falling under items (e) and (f), but not falling under items (d) and (g) of clause (12) of section 2, be deemed to have vacated his office; and
(c) if a public servant falling under items (d) and (g) of clause (12) of section 2, be deemed to have been placed under suspension by an order of the appointing authority.

Provided that if the public servant is a member of an All India Service as defined in section 2 of the All India Services Act, 1951 (Central Act 61 to 1951) the State Government shall take action to keep him under suspension in accordance with the rules or regulations applicable to his service.

14. Initiation of the Prosecution.-
If after investigation into any complaint the Lokayukta or an Upalokayukta is satisfied that the public servant has committed any criminal offence and should be prosecuted in a court of law for such offence, then, he may pass an order to that effect and initiate prosecution of the public servant concerned and if prior sanction of any authority is required for such prosecution, then, notwithstanding anything contained in any law, such sanction shall be deemed to have been granted by the appropriate authority on the date of such order.

15. Staff of Lokayukta etc.-
(1) There shall be such officers and employees as may be prescribed to assist the Lokayukta and the Upalokayukta or the Upalokayuktas in the discharge of their functions under this Act.
(2) The categories, recruitment and conditions of service of the officers and employees referred in sub-section (1) including such special conditions as may be necessary for enabling them to act without fear in the discharge of their functions, shall be such as may be prescribed in consultation with the Lokayukta.
(3) Without prejudice to the provisions of sub-section (1), the Lokayukta or an Upalokayukta may for the purpose of conducting investigations under this Act utilize the services of: -
(a) any officer or investigating agency of the State Government; or
(a a) any officer or investigating agency of the Central Government with the prior concurrence of the Central Government and State Government; or
(b) any other person or any other agency.
(4) The officers and other employees referred to in sub-section (1) shall be under the administrative and disciplinary control of the Lokayukta:
Provided that when the office of the Lokayukta is vacant by reason of his death, resignation, retirement, removal or otherwise or when Lokayukta is unable to discharge his functions owing to absence, illness or any other cause, the Upalokayukta or if there are more than one Upalokayukta, the senior among them may discharge the functions of the Lokayukta under this sub-section.

16. Secrecy of Information.-
(1) Any information obtained by the Lokayukta or an Upalokayukta or members of his staff in the course of or for the purpose of any investigation under this Act and any evidence recorded or collected in connection with such information, shall be treated as confidential and no court shall be entitled to compel the Lokayukta or the Upalokayukta or any public servant to give evidence relating to such information or produce the evidence so recorded or collected.
(2) Nothing in sub-section (1) shall apply to the disclosure of any information or particulars referred to therein, -

(a) for the purpose of this Act or for the purposes of any action or proceedings to be taken on such report under section 12;
(b) for purposes of any proceedings for an offence under the Official Secrets Act, 1923, or an offence of giving or fabricating false evidence under the Indian Penal Code or for purposes of trial of any offence under section 14 or any proceedings under section 17; or
(c) for such other purposes as may be prescribed.

17. Intentional insult or interruption to or bringing into disrepute the Lokayukta or Upalokayukta.-

(1) Whoever intentionally insults or causes any interruption to the Lokayukta or Upalokayukta while the Lokayukta or Upalokayukta is conducting any investigation or inquiry under this Act shall on conviction be punished with simple imprisonment for a term which shall not be less than six months but may extend to one year or with fine, or with both.

(2) Whoever, by words spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or an Upalokayukta into disrepute, shall, on conviction, be punished with simple imprisonment for a term which shall not be less than six months but may extend to one year or with fine, or with both.

(3) The provisions of section 199 of Code of Criminal Procedure, 1973, shall apply in relation to an offence under sub-section (1) or sub-section (2) as they apply in relation to an offence referred to in sub-section (1) of the said Section 199, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction of the Lokayukta or the concerned Upalokayukta;

Provided that the Court may for any adequate and special reasons to be mentioned in the judgment impose a lesser sentence of imprisonment and fine.

17 A. Power to punish for contempt.-

The Lokayukta or Upa-Lokayukta shall have, and exercise the same jurisdiction powers and authority in respect of contempt of itself as a High court has and may exercise, and, for this purpose, the provisions of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) shall have the effect subject to the modification that the references therein to the High Court shall be construed as including a reference to the Lokayukta or Upalokayukta, as the case may be.

18. Protection.-

(1) No suit, prosecution, or other legal proceedings shall lie against the Lokayukta or an Upalokayukta or against any officer, employee, agency or person referred to in Section 15 in respect of anything which is in good faith done while acting or purporting to act in the discharge of his official duties under this Act.

(2) No proceedings of the Lokayukta or an Upalokayukta shall be held to be bad for want of form and except on the ground of jurisdiction, no proceedings or decision of the Lokayukta or an Upalokayukta shall be liable to be challenged, reviewed, quashed or called in question in any court of ordinary Civil Jurisdiction.

19. Conferment of additional functions on Lokayukta or Upalokayukta.-

(1) The Government may, by order, in writing and after consultation with an Upalokayukta, confer on the Upalokayukta powers to hold, in such manner and through such officers, employees and agencies referred to in section 15, as may be prescribed, enquiries against Government servants and persons referred to in item (g) of clause (12) of section 2, other than those falling under clause (ii) and (iv)of sub section (1) of Section 7 in disciplinary or other proceeding transferred under sub-section (3) of Section 26 commenced in furtherance of the recommendations of the Upalokayukta or otherwise.

(2) where powers are conferred on an Upalokayukta, under sub-section (1) such Upalokayukta shall exercise the same powers and discharge the same functions as he would in the case of any investigation made on a complaint involving a grievance or an allegation, as the case may be, and the provisions of this Act shall apply accordingly.

372
20. Prosecution for false complaint.

(1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction be punished with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees.

(2) No Court, except a Court of a Metropolitan Magistrate or a Judicial Magistrate First Class shall take cognizance of an offence under sub-section (1).

(2A) No such Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom false, frivolous or vexatious complaint was made after obtaining the previous sanction of the Lokayukta or the Upalokayukta as the case may be.

(3) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the State Government.

21. Power to delegate.

- The Upalokayukta may, subject to such rules as may be prescribed, by general or special order, in writing direct that the functions and powers conferred by section 19 may also be exercised or discharged by such of the officers, employees or agencies referred to in section 15 as may be specified in the order.

22. Public Servants to submit property statements.

(1) Every public servant referred to in Sub-Section (1) of Section 7, other than a Government Servant, shall within three months after the commencement of this Act and thereafter before the 30th June of every year submit to the Lokayukta in the prescribed form a statement of his assets and liabilities and those of the members of his family.

(2) If no such statement is received by the Lokayukta from any such public servant within the time specified in sub-section (1), the Lokayukta shall make a report to that effect to the competent authority and send a copy of the report to the public servant concerned. If within two months of such report the public servant concerned does not submit such statement, the Lokayukta, shall publish or cause to be published the name of such public servant in three news papers having wide publication in the State.

Explanation- In this section “family of a public servant” means the spouse and such children and parents of the public servant as are dependent on him.

23. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for -

(a) the authorities to be prescribed under sub-clause (d) of clause (4) of section 2;

(b) the allowance and pensions payable to and other conditions of service of the Lokayukta and an Upalokayukta;

(c) the form and manner in which a complaint may be made;

(d) the powers of a Civil Court which may be exercised by the Lokayukta or an Upalokayukta under clause (f) of sub-section (2) of section 11;

(e) the salary, allowances, recruitment and other conditions of service of the staff and employees of the Lokayukta or Upalokayukta under sub-section (2) of section 15;

(f) enquiries against Government servants under section 19;

(g) any other matter for which rules have to be made are necessary under this Act.

2A) Any rule made under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a Statement laid before both Houses of the State Legislature subject to any modification made under sub-section (3). Every rule made under this Act shall have effect as if enacted in this Act.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if,
before the expiry of the session in which it is so laid or the session immediately
following both Houses agree in making any modification in the rule or both Houses agree
that the rule should not be made, the rule shall thereafter have effect only in such
modified form or be of no effect, as the case may be; so, however, that any such
modification or annulment shall be without prejudice to the validity of anything
previously done under that rule.

24. Removal of doubts.-
(1) For the removal of doubts it is hereby declared that nothing in this Act shall be construed
as authorising the Lokayukta or an Upalokayukta to investigate any action which is taken
by or with the approval of,-
(a) any Judge as defined in section 19 of the Indian Penal Code;
(b) any officer or servant of any civil or criminal court in India;
(c) the Accountant General for Karnataka;
(d) the Chief Election Commissioner, the Election Commissioners and the
Regional Commissioners referred to in Article 324 of the Constitution and
the Chief Electoral Officer, Karnataka State;
(e) the Speaker of the Karnataka Legislative Assembly or the Chairman of the
Karnataka Legislative Council, and
(f) the Chairman or a member of the Karnataka Public Service Commission,

(2) The provisions of this Act shall be in addition to the provisions of any other enactment or
any rule or law under which any remedy by way of appeal, revision, review or in any
other manner is available to a person making a complaint under this Act in respect of any
action and nothing in this Act shall limit or affect the right of such person to avail of such
remedy.

25. Removal of difficulties.- Notwithstanding anything contained in this Act, the Governor may, by
order, make such provision as he may consider necessary or expedient, -
(i) for bringing the provisions of this Act into effective operation;
(ii) for continuing the enquiries and investigations against Government servants and
persons referred to in item (g) of clause 12 of section 2 pending before the Government
or any other authority including the Karnataka State Vigilance Commission constituted
under the Karnataka State Vigilance Commission Rules, 1980 by the Lokayukta or an
Upalokayukta.

26. Repeal and savings.-
(1) The Karnataka State Vigilance Commission Rules, 1980 and the Karnataka Public
Authorities (Disciplinary Proceedings against Employees) Act, 1982 (Karnataka Act 31
of 1982) and the Karnataka Lokayukta Ordinance, 1984 (Karnataka Ordinance 1 of 1984)
are hereby repealed.
(2) Notwithstanding such repeal any act or thing done under the said rules or Act or
Ordinance shall be deemed to have been done under this Act and may be continued and
completed under the corresponding provisions of this Act.
(3) All enquiries and investigations and other disciplinary proceedings pending before the
Karnataka State Vigilance Commission constituted under the Karnataka State Vigilance
Commission Rules, 1980 and which have not been disposed of, shall stand transferred to
and be continued by the Upalokayukta as if they were commenced before him under this
Act.
(4) Notwithstanding anything contained in this Act, initially the staff of the Lokayukta
shall consist of the posts of the Secretary and other Officers and Employees of the
Karnataka State Vigilance Commission constituted under the Karnataka State Vigilance
Commission Rules, 1980, immediately before the commencement of this Act and
appointments to the said posts are hereby made by the transfer of the Secretary and
other officers and employees of the State Vigilance Commission holding corresponding
posts. The salaries, allowances and other terms and conditions of services of the said
Secretary, officers and other employees shall, until they are varied, be the same as to
which they were entitled to immediately before the commencement of this Act.
I....................................... having been appointed as Lokayukta/Upalokayukta do swear in the name of God / solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will.

SECOND SCHEDULE
[See section 8 (i) (a)]

a) Action taken for the purpose of investigating crimes relating to the security of the State.

b) Action taken in the exercise of powers in relation to determining whether a matter shall go to a court or not.

c) Action taken in matters which arise out of the terms of a contract governing purely commercial relations of the administration with customers or suppliers, except where the complainant alleges harassment or gross delay in meeting contractual obligations.

d) Action taken in respect of appointments, removals, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claims which arise on retirement, removal or termination of service.

e) Grant of honours and awards.
ANNEXURE- V
Karnataka Lokayukta Rules, 1985

In exercise of the powers conferred by section 23 of the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985) the Government of Karnataka hereby makes the following rule namely

1. **Title and Commencement.**
   (1) These rules may be called the Karnataka Lokayukta Rules, 1985.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**
   (1) In these rules unless the context otherwise requires, -
      (a) "Act" means the Karnataka Lokayukta Act, 1984 (Karnataka Act 4 of 1985);
      (b) "Complainant" means a person who makes a complaint under section 9 of the Act.
      (c) "Form" means a form appended to these rules;
      (cc) "Registrar" means Registrar to the Lokayukta and includes an Additional Registrar, a Deputy Registrar and an Assistant Registrar
      (d) Omitted
      (e) "Section" means section of the Act.
   (2) All other words and expressions used in these rules but not defined shall have the same meaning respectively assigned to them in the Act.

3. **Competent Authority.** - In respect of the public servants referred to in sub-clause (d) of clause (4) of Section 2, the Government of Karnataka shall be the Competent Authority.

4. **Complaint.**
   (1) Every complaint shall be made in Form 1, signed by the Complainant and shall be supported by his affidavit in Form II duly sworn to before any Judicial Magistrate First Class, Notary Public, Oath Commissioner or any Gazetted Officer duly authorized to administer oaths.
   (2) The complaint may be presented in person or sent by registered post to the Registrar. Such complaint shall be acknowledged by the Registrar specifying the name and designation of the public servant against whom such complaint is made.

5. **Scrutiny and registration of complaints.**
   (1) On receipt of a complaint, the Registrar shall cause the particulars thereof to be entered in “the Register of Complaints” in Form II-A.
   (2) If the Registrar is of the opinion that any such complaint is not in conformity with the provisions of the Act or the rules, he shall within a period of fifteen days excluding general holidays from the date of its receipt, issue a notice to the Complainant in Form No.III to rectify the defect within the time specified in the notice: Provided that the Registrar may extend the time specified in the notice for sufficient cause.
   (3) All complaints shall be placed before the Lokayukta or the Upalokayukta as the case may be, for orders, but complaints regarding which action has been taken under sub-rule (2) shall be placed only after the expiry of the period of time stipulated in the notice of the extended period, whether or not any defect pointed out by the Registrar has been rectified.
   (4) Every person making a complaint under sub-rule (1) shall be informed of the gist of the orders passed under sub-rule. (3) if no further action on the complaint is to be taken.

6. **Allowance and Conditions of Service of Lokayukta and Upalokayukta.** –
   (1) Except as otherwise provided in these rules:-
      (a) allowances, (excluding the Dearness Allowance), pension and other conditions of service of Lokayukta shall be on par with those applicable to the Chief Justice of India.
(b) allowances, (excluding the Dearness allowance), pension and other conditions of service of Upa-Lokayukta shall be on par with those applicable to a Judge of a High Court.

(1-A) Notwithstanding anything contained in sub-rule (1) the Lokayukta or Upalokayukta shall be entitled to pension and D.C.R.G. in accordance with these rules, in addition to the pension and other benefits they may be entitled to, in respect of any previous service rendered by them under the Central Government or any other State Government.

(2) In respect of each completed year of service there shall be credited:
   (a) to the Lokayukta in his leave account seventy days on full allowances and ninety days on half allowances; and
   (b) to the Upalokayukta, in his leave account forty two days on full allowances and ninety days on half allowances.

(3) Any leave with allowances availed of by the Lokayukta or an Upalokayukta at any time, when there is no such leave at his credit, shall be set off against any such leave credited to his account subsequently;

(4) The Lokayukta or an Upalokayukta may at any time avail of any amount of leave out of the leave credited to his account as leave on full allowances and the monthly rate of leave allowances in that case, shall be equal to the monthly rate of his salary and other allowances for the entire period of such leave;

(5) The Lokayukta or an Upalokayukta shall have the option of commuting leave, on half allowances into leave on full allowances at any time subject to the following conditions namely.-
   (a) The total period of leave on full allowances availed of by him under this sub-rule shall be in addition to the leave referred to in sub-rule (4), but during the whole period of his service, it shall not exceed one-twenty fourth of the period last mentioned (including the period of leave on full allowances credited to his account) plus a maximum of three months on medical grounds, and
   (b) The monthly rate of leave allowances payable to the Lokayukta and an Upalokayukta while on leave on full allowances under this sub-rule shall be governed by section 9 of the Supreme Court Judges (Conditions of Service) Act, 1958 (Central Act 41 of 1958) and the High Court Judges (Conditions of Service) Act, 1954, (Central Act 28 of 1954) respectively.

(6) Out of the leave to which the Lokayukta or an Upalokayukta become entitled under the provisions of this rule, he shall be competent to sanction leave to himself or to revoke or curtail the leave already sanctioned;

(7) The balance of leave on the credit or debit side of the leave account of the Lokayukta or an Upalokayukta at the end of any calendar year shall be carried forward to the next calendar year without limit as to accumulation;

(8) The Lokayukta or an Upalokayukta shall be entitled to encashment of leave accumulated to his credit at the end of his service subject to a maximum ceiling of 300 days on full allowances (inclusive of that resulting from commutation of leave on half allowances);

(9) The Authority competent to grant leave not due, special disability leave or extraordinary leave to the Lokayukta or an Upalokayukta shall be the Governor;

(10) In addition to the leave credited to his account under sub-rule (2), the Lokayukta or an Upalokayukta may avail casual leave subject to the following conditions namely.-
   (a) such leave shall not be availed of except for unforeseen illness for urgent and unforeseen private business, and
   (b) such leave shall not be availed of for more than 14 days in a calendar year or for a continuous period of more than 5 days.

6. A Official residence to Lokayukta and Upalokayukta.-

(1) The Lokayukta and Upalokayukta shall be entitled to the use of free furnished official residence throughout the term of their office and for a further period of one month or for such extended period not exceeding two months as may be determined by the Government.

(2) The official residence shall be maintained by the Government.

(3) If the Lokayukta or Upalokayukta dies while in service then the members of the family of the Lokayukta or Upalokayukta shall be entitled to the use of the official residence for a period of three months after such death.
(4) If the Lokayukta or Upalokayukta is not provided with the official residence immediately after his appointment he shall be entitled for reimbursement of the actual rent paid by him for the accommodation, if any, secured by him till the date of getting the official residence.

(5) Where the Lokayukta does not avail himself of the use of an official residence, he shall be paid every month, an allowance of Rs.10,000 and shall be entitled to reimbursement of charges on account of water and electricity consumed for his residence to the extent of 4,320 kilolitres of water and 17,000 units of power per annum.

(6) Where an Upalokayukta does not avail himself of the use of an official residence, he shall be paid every month, an allowance of Rs.2,500 and shall be entitled to reimbursement of charges on account of water and electricity consumed for his residence to the extent of 3,600 kilolitres of water and 10,000 units of power per annum.

Explanations.- (1) For the purpose of this rule and rule 6B, “family” means wife or husband of the Lokayukta or Upalokayukta or their dependent children, parents, brothers and unmarried sisters.

(1) “Official residence” means an accommodation owned or taken on hire by requisition or otherwise, by the Government and allotted to the Lokayukta or Upalokayukta free of rent.

(2) “Maintenance” in relation to an official residence includes payment towards local taxes and consumption of water and electricity
Provided that such payment towards consumption of water and electricity shall be limited to charges payable for a maximum of 4,320 kilolitres of water and 17,000 units of electricity per annum in the case of the Lokayukta and charges payable for a maximum of 3,600 kilolitres of water and 10,000 units of electricity per annum in the case of Upalokayukta

6. B. Penal rent for overstay after the Lokayukta or Upalokayukta ceases to hold office, etc. –
If the Lokayukta or Upalokayukta or the members of his family continue to occupy the official residence beyond the period specified under rule 6A, a penal rent at the rate of fifty percent of the salary which the Lokayukta or Upalokayukta would have received had he continued in office shall be paid for each month of such over stay

7. Property Statement.- The statement of assets and liabilities under section 22 shall be in Form – IV.
APPENDIX - 6

PREVENTION OF CORRUPTION ACT, 1988
(Central Act of NO 49 of 1988)

CHAPTER I
Preliminary

1. Short title and extent
2. Definitions

CHAPTER II
Appointment of Special Judges

3. Power to appoint special Judges
4. Cases triable by special Judges
5. Procedure and powers of special Judge
6. Power to try summarily
7. Public servant taking gratification other than legal remuneration in respect of an official act

CHAPTER III
Offences and Penalties

8. Taking gratification, in order, by corrupt or illegal means, to influence public servant
9. Taking gratification, for exercise of personal influence with public servant
10. Punishment for abetment by public servant of offences defined in section 8 or 9
11. Public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant
12. Punishment for abetment of offences defined in section 7 or 11
13. Criminal misconduct by a public servant
14. Habitual committing of offence under sections 8, 9 and 12
15. Punishment for attempt
16. Matters to be taken into consideration for fixing fine

CHAPTER IV
Investigation into Cases under the Act

17. Persons authorised to investigate
18. Power to inspect bankers' books

CHAPTER V
Sanction for prosecution and other miscellaneous provisions

19. Previous sanction necessary for prosecution
20. Presumption where public servant accepts gratification other than legal remuneration
21. Accused person to be a competent witness
22. The Code of Criminal Procedure, 1973 to apply subject to certain modifications
23. Particulars in a charge in relation to an offence under section 13(1) (c).
24. Statement by bribe giver not to subject him to prosecution
25. Military, Naval and Air Force or other law not to be affected
26. Special Judges appointed under Act 46 of 1952 to be special Judges appointed under this Act
27. Appeal and revision
28. Act to be in addition to any other law
29. Amendment of the Ordinance 38 of 1944
30. Repeal and saving
31. Omission of certain sections of Act 45 of 1860
CHAPTER- 1
PRELIMINARY

1. Short title and extent.-
   (1) This Act may be called the Prevention of Corruption Act, 1988.
   (2) It extends to the whole of India except the State of Jammu and Kashmir and it applies also to all citizens of India outside India.

2. Definitions.-
   In this Act, unless the context otherwise requires-
   (a) "election" means any election, by whatever means held under any law for the purpose of selecting members of Parliament or of any Legislature, local authority or other public authority;
   (b) "public duty" means a duty in the discharge of which the State, the public or the community at large has an interest;
   Explanation.-In this clause "State" includes a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government company as defined in section 617 of the Companies Act, 1956.
   (c) "public servant" means-
       (i) any person in the service or pay of the Government or remunerated by the Government by fees or commission for the performance of any public duty;
       (ii) any person in the service or pay of a local authority;
       (iii) any person in the service or pay of a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government company as defined in section 617 of the Companies Act, 1956;
       (iv) any Judge, including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;
       (v) any person authorised by a court of justice to perform any duty, in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such court;
       (vi) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a court of justice or by a competent public authority;
       (vii) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;
       (viii) any person who holds an office by virtue of which he is authorised or required to perform any public duty;
       (ix) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or a State Government or from any corporation established by or under a Central, Provincial or State Act, or any authority or body owned or controlled or aided by the Government or a Government company as defined in section 617 of the Companies Act, 1956;
       (x) any person who is a chairman, member or employee of any Service Commission or Board, by whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board;
       (xi) any person who is a Vice-Chancellor or member of any governing body, professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University and any person whose services have been availed of by a University or any other public authority in connection with holding or conducting examinations;
       (xii) any person who is an office-bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the Central Government or any State Government, or local or other public authority.
   Explanation 1.-Persons falling under any of the above sub-clauses are public servants, whether appointed by the Government or not.
Explanation 2.-Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

3. Power to appoint special Judges.-

(1) The Central Government or the State Government may, by notification in the Official Gazette, appoint as many special Judges as may be necessary for such area or areas or for such case or group of cases as may be specified in the notification to try the following offences, namely:
   a) any offence punishable under this Act; and
   b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause (a).

(2) A person shall not be qualified for appointment as a special Judge under this Act unless he is or has been a Sessions Judge or an Additional Sessions Judge or an Assistant Sessions Judge under the Code of Criminal Procedure, 1973.

4. Cases triable by Special Judges.-

1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, or in any other law for the time being in force, the offences specified in sub-section (1) of section 3 shall be tried by special Judges only.

2) Every offence specified in sub-section (1) of section 3 shall be tried by the special Judge for the area within which it was committed, or, as the case may be, by the special Judge appointed for the case, or where there are more special Judges than one for such area, by such one of them as may be specified in this behalf by the Central Government.

3) When trying any case, a special Judge may also try any offence, other than an offence specified in section 3, with which the accused may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a special Judge shall, as far as practicable, hold the trial of an offence on day-to-day basis.

5. Procedure and powers of special Judge.-

1) A special Judge may take cognizance of offences without the accused being committed to him for trial and, in trying the accused persons, shall follow the procedure prescribed by the Code of Criminal Procedure, 1973, for the trial of warrant cases by Magistrates.

2) A special Judge may, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to, an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge, relating to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof and any pardon so tendered shall, for the purposes of sub-sections (1) to (5) of section 308 of the Code of Criminal Procedure, 1973, be deemed to have been tendered under section 307 of that Code.

3) Save as provided in sub-sections (1) or sub-section (2), the provisions of the Code of Criminal Procedure, 1973, shall, so far as they are not inconsistent with this Act, apply to the proceedings before a special Judge; and for the purposes of the said provisions, the Court of the special Judge shall be deemed to be a Court of Session and the person conducting a prosecution before a special Judge shall be deemed to be a public prosecutor.

4) In particular and without prejudice to the generality of the provisions contained in sub-section (3), the provisions of sections 326 and 475 of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the proceedings before a special Judge and for the purposes of the said provisions, a special Judge shall be deemed to be a Magistrate.

5) A special Judge may pass upon any person convicted by him any sentence authorised by law for the punishment of the offence of which such person is convicted.
6) A special Judge, while trying an offence punishable under this Act, shall exercise all the powers and functions exercisable by a District Judge under the Criminal Law Amendment Ordinance, 1944.

6. Power to try summarily.-

1) Where a special Judge tries any offence specified in sub-section (1) of section 3, alleged to have been committed by a public servant in relation to the contravention of any special order referred to in sub-section (1) of section 12A of the Essential Commodities Act, 1955 or of an order referred to in clause (a) of sub-section (2) of that section, then, notwithstanding anything contained in sub-section (1) of section 5 of this Act or section 260 of the Code of Criminal Procedure, 1973, the special Judge shall try the offence in a summary way, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the special Judge to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the special Judge that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the special Judge shall, after hearing the parties, record an order to that effect and thereafter recall any witnesses who may have been examined and proceed to hear or re-hear the case in accordance with the procedure prescribed by the said Code for the trial of warrant cases by Magistrates.

2) Notwithstanding anything to the contrary contained in this Act or in the code of Criminal Procedure, 1973, there shall be no appeal by a convicted person in any case tried summarily under this section in which the special Judge passes a sentence of imprisonment not exceeding one month, and of fine not exceeding two thousand rupees whether or not any order under section 452 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence in excess of the aforesaid limits is passed by the special Judge.

CHAPTER II

OFFENCES AND PENALTIES

7. Public servant taking gratification other than legal remuneration in respect of an official act.-

Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.

Explanations.-

a) "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

b) "Gratification." The word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money.

c) "Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the organisation, which he serves, to accept.

d) "A motive or reward for doing." A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do, or has not done, comes within this expression.
e) Where a public servant induces a person erroneously to believe that his influence with the Government has obtained a title for that person and thus induces that person to give the public servant, money or any other gratification as a reward for this service, the public servant has committed an offence under this section.

8. Taking gratification, in order, by corrupt or illegal means, to influence public servant.-
Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant, whether named or otherwise, to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, Corporation or Government Company referred to in Clause(c) of Section-2 or with any public servant, whether named or otherwise shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

9. Taking gratification, for exercise of personal influence with public servant.-
Whoever accepts or obtains or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant whether named or otherwise to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

10. Punishment for abetment by public servant of offences defined in section 8 or 9.-
Whoever, being a public servant, in respect of whom either of the offences defined in section 8 or section 9 is committed, abets the offence, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

11. Public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant.-
Whoever, being a public servant, accepts or obtains or agrees to accept or attempts to obtain for himself, or for any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

12. Punishment for abetment of offences defined in section 7 or 11.-
Whoever abets any offence punishable under section 7 or section 11 whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

13. Criminal Misconduct by public servant.-
1) A public servant is said to commit the offence of criminal misconduct,-
   a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 7; or
   b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he
knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
c) If he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to his under his control as public servant or allows any other person to do so; or
d) if he,-
i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or
ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or
iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or
e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation.-For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.

2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.

14. Habitual committing of offence under sections 8, 9 and 12.-
Whoever habitually commits-
a) an offence punishable under section 8 or section 9; or
b) an offence punishable under section 12,
Shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and shall also be liable to fine.

15. Punishment for attempt.-
Whoever attempts to commit an offence referred to in clause (c) or clause (d) of sub-section (1) of section 13 shall be punishable with imprisonment for a term which may extend to three years and with fine.

16. Matters to be taken into consideration for fixing fine.-
Where a sentence of fine is imposed under sub-section (2) of section 13 or section 14, the court in fixing the amount of the fine shall taken into consideration the amount or the value of the property, if any, which the accused person has obtained by committing the offence or where the conviction is for an offence referred to in clause (e) of sub-section (1) of section 13, the pecuniary resources or property referred to in that clause for which the accused person is unable to account satisfactorily.

CHAPTER IV
INVESTIGATION INTO CASES UNDER THE ACT

17. Persons authorised to investigate.-
Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer below the rank,-
a. in the case of the Delhi Special Police Establishment, of an Inspector of Police;
b. in the metropolitan areas of Bombay, Calcutta, Madras and Ahmadabad and in any other metropolitan area notified as such under sub-section (1) of section 8 of the Code of Criminal Procedure, 1973, of an Assistant Commissioner of Police;
c. elsewhere, of a Deputy Superintendent of Police or a police officer of equivalent rank,
shall investigate any offence punishable under this Act without the order of a
Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make any arrest there for without a warrant:

Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make arrest there for without a warrant:

Provided further that an offence referred to in clause (e) of sub-section (1) of section 13, shall not be investigated without the older of a police officer not below the rank of a Superintendent of Police.

18. Power to inspect bankers' books.-

If from information received or otherwise, a police officer has reason to suspect the commission of an offence which he is empowered to investigate under section 17 and considers that for the purpose of investigation or inquiry into such offence, it is necessary to inspect any bankers' books, then, notwithstanding anything contained in any law for the time being in force, he may inspect any bankers’ books in so far as they relate to the accounts of the persons suspected to have committed that offence or of any other person suspected to be holding money on behalf of such person, and take or cause to be taken certified copies of the relevant entries therefrom, and the bank concerned shall be bound to assist the police officer in the exercise of his powers under this section:

Provided that no power under this section, in relation to the accounts of any person shall be exercised by a police officer below the rank of a Superintendent of Police, unless he is specially authorised in this behalf by a police officer of or above the rank of a superintendent of Police.

Explanation-In this section, the expressions "bank" and "bankers' books" shall have the meanings respectively assigned to them in the Bankers’ Books Evidence Act, 1891.

19. Previous sanction necessary for prosecution.-

1) No court shall take cognizance of an offence punishable under section 7, 10, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction,-

   a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;
   b) in the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;
   c) in the case of any other person, of the authority competent to remove him from his office.

2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

3) Notwithstanding anything contained in the code of Criminal Procedure, 1973,-

   a) no finding, sentence or order passed by a special Judge shall be reversed or altered by a Court in appeal, confirmation or revision on the ground of the absence of, or any error, omission or irregularity in, the sanction required under sub-section (1), unless in the opinion of that court, a failure of justice has in fact been occasioned thereby;
   b) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;
   c) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial, appeal or other proceedings.

4) In determining under sub-section (3) whether the absence of, or any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.
Explanation.-For the purposes of this section,-
a) error includes competency of the authority to grant sanction;
b) A sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

20. Presumption where public servant accepts gratification other than legal remuneration.-

1) Where, in any trial of an offence punishable under section 7 or section 11 or clause (a) or clause (b) of sub-section (1) of section 13 it is proved that an accused person has accepted or obtained or has agreed to accept or attempted to obtain for himself, or for any other person, any gratification (other than legal remuneration) or any valuable thing from any person, it shall be presumed, unless the contrary is proved, that he accepted or obtained or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 7 or, as the case may be, without consideration or for a consideration which he knows to be Inadequate.

2) Where in any trial of an offence punishable under section 12 or under clause (b) of section 14, it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed, unless the contrary is proved, that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 7, or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

3) Notwithstanding anything contained in sub-section (1) and (2), the court may decline to draw the presumption referred to in either of the said sub-sections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn.

21. Accused person to be a competent witness.-

Any person charged with an offence punishable under this Act, shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that-
(a) he shall not be called as a witness except at his own request;
(b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;
(c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless-
   i. the proof that he has committed or been convicted of such offence is admissible evidence to that he is guilty of the offence with which he is charged, or
   ii. he has personally or by his pleader asked any question of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character or the nature of conduct of the defence is such as to involve imputations on the character of the prosecution or of any witness for prosecution, or
   iii. he has given evidence against any other person charged with the same offence.

22. Code of Criminal procedure, 1973, to apply subject to certain modification.-

The provisions of the Code of Criminal Procedure, 1973, shall in their application to any proceeding in relation to an offence punishable under this Act have effect as if,-
(a) in sub-section (1) of section 243, for the words "The accused shall then be called upon", the words "The accused shall then be required to give in writing at once or within. such time as the Court may allow, a list of the persons (if any) whom he proposes to examine as his witnesses and of the documents (if any) on which he proposes to rely and he shall then be called upon" had been substituted;
b) in sub-section (2) of section 309, after the 'third proviso, the following proviso had been inserted, namely:-

"Provided also that the proceeding shall not be adjourned or postponed merely on the ground that an application under section 397 has been made by a party to the proceeding.";

c) after sub-section (2) of section 317, the following sub-section had been inserted, namely:-

"(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judge may, if he thinks fit and for reasons to be recorded by him, proceed with inquiry or trial in the absence of the accused or his pleader and record the evidence of any witness subject to the right of the accused to recall the witness for cross-examination.");

d) in sub-section (1) of section 397, before the Explanation, the following proviso had been inserted, namely:-

"Provided that where the powers under this section are exercised by a Court on an application made by a party to such proceedings, the Court shall not ordinarily call for the record of the proceedings:-

a) without giving the other party an opportunity of showing cause why the record should not be called for; or

b) if it is satisfied that an examination of the record of the proceedings may be made from the certified copies.".

23. Particulars in a charge in relation to an offence under section 13(1) (c).-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, when an accused is charged with an offence under clause (c) of sub-section (1) of section 13, it shall be sufficient to describe in the charge the property in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 219 of the said Code:

Provided that the time included between the first and last of such dates shall not exceed one year.

24. Statement by Bribe giver not to subject him to prosecution.-

Notwithstanding anything contained in any law for the time being in force, a statement made by a person in any proceeding against a public servant for an offence under sections 7 to 11 or under section 13 or section 15, that he offered or agreed to offer any gratification (other than legal remuneration) or any valuable thing to the public servant, shall not subject such person to a prosecution under section 12.

25. Military, Naval and Air Force or other law not to be affected.-

1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957, the Border Security Force Act, 1968, the Coast Guard Act, 1978 and the National Security Guard Act, 1986.

2) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), the court of a special Judge shall be deemed to be a court of ordinary criminal justice.

26. Special Judges appointed under Act 46 of 1952 to be special Judges appointed under this Act.-

Every special Judge appointed under the Criminal Law Amendment Act, 1952, for any area or areas and is holding office on the commencement of this Act shall be deemed to be a special Judge appointed under section 3 of this Act for that area or areas and, accordingly, on and from such commencement, every such Judge shall continue to deal with all the proceedings pending before him on such commencement in accordance with the provisions of this Act.

27. Appeal and revision.-

Subject to the provisions of this Act, the High Court may exercise, so far as they may be applicable, all the powers of appeal and revision conferred by the Code of Criminal Procedure, 1973 on a High Court as if the court of special Judge were a court of Session trying cases within the local limits of the High Court.
28. **Act to be in addition to any other law.**-

The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this Act, be instituted against him.

29. **Amendment of ordinance 38 of 1944.**-

In the Criminal Law Amendment Ordinance, 1944,-

(a) in sub-section (1) of section 3, sub-section (1) of sector 9, clause (a) of section 10, sub-section (1) of section 11 and sub-section (1) of section 13, for the words "State Government", wherever they occur, the words "State Government or, as the case may be, the Central Government" shall be substituted;

(b) in section 10, in clause (a), for the words "three months", the words "one year" shall be substituted;

(c) in the Schedule,-

(i) paragraph 1 shall be omitted;

(ii) in paragraphs 2 and 4,-

   a) after the words "a local authority", the words and figures "or a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by Government or a Government company as defined in section 617 of the Companies Act, 1956 or a society aided by such corporation, authority, body or Government company" shall be inserted;

   b) after the words "or authority", the words "or corporation or body or Government company or society" shall be inserted;

(iii) for paragraph 4A, the following paragraph shall be substituted, namely: -

   "4A. An offence punishable under the Prevention of Corruption Act, 1988."

(iv) in paragraph 5, for the words and figures "items 2, 3 and 4", the words, figures and letter "items 2, 3, 4 and 4A" shall be substituted.

30. **Repeal and saving.**-

1) The Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952 are hereby repealed.

2) Notwithstanding such repeal, but without prejudice to the application of section 6 of the General Clauses Act, 1897, anything done or any action taken or purported to have been done or taken under or in pursuance of the Acts so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken, under or in pursuance of the corresponding provision of this Act.

31. **Omission of certain Sections of Act 45 of 1860.**-

Sections 161 to 165A (both inclusive) of the Indian Penal Code shall be omitted, and section 6 of the General Clauses Act, 1897, shall apply to such omission as if the said sections had been repealed by a Central Act.
APPENDIX- VII

THE LOKPAL AND LOKAYUKTAS BILL, 2011

A BILL
to provide for the establishment of a body of Lokpal for the Union and Lokayukta for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith or incidental thereto.

WHEREAS the Constitution of India established a Democratic Republic to ensure justice for all;

AND WHEREAS India has ratified the United Nations Convention against Corruption;

AND WHEREAS the Government’s commitment to clean and responsive governance has to be reflected in effective bodies to contain and punish acts of corruption;

NOW, THEREFORE, it is expedient to enact a law, for more effective implementation of the said Convention and to provide for prompt and fair investigation and prosecution in cases of corruption.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. (1) This Act may be called the Lokpal and Lokayuktas Act, 2011.
   (2) It extends to the whole of India.
   (3) It shall apply to public servants in and outside India.
   (4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and for different provisions of this Act, and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision:

Provided that the provisions of this Act shall be applicable to a State which has given its prior consent to the application of this Act.

PART II

LOKPAL FOR THE UNION

CHAPTER I

DEFINITIONS

2. (1) In this Act, unless the context otherwise requires,—
   a. "bench" means a bench of the Lokpal;
   b. "Chairperson" means the Chairperson of the Lokpal;
   c. "competent authority", in relation to—
      i. the Prime Minister, means the House of the People;
      ii. a member of the Council of Ministers, means the Prime Minister;
      iii. a member of Parliament other than a Minister, means—
         A. in the case of a member of the Council of States, the Chairman of the Council; and
         B. in the case of a member of the House of the People, the Speaker of the House;
      iv. an officer in the Ministry or Department of the Central Government, means the Minister in charge of the Ministry or Department under which the officer is serving;
      v. a chairperson or members of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the Minister in charge of the administrative Ministry of such body or Board or corporation or authority or company or society or autonomous body;
      vi. an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under any Act of Parliament or wholly or partly financed by the Central Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;
CHAPTER II

ESTABLISHMENT OF LOKPAL

3. (1) On and from the commencement of this Act, there shall be established, for the purpose of this Act, a body to be called the "Lokpal".

(2) The Lokpal shall consist of—

a) a Chairperson, who is or has been a Chief Justice of India or is or has been a Judge of the Supreme Court or an eminent person who fulfils the eligibility specified in clause (b) of sub-section (3); and

b) such number of Members, not exceeding eight out of whom fifty per cent. shall be Judicial Members:

Provided that not less than fifty per cent. of the Members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

(3) A person shall be eligible to be appointed,—
a) as a Judicial Member if he is or has been a Judge of the Supreme Court or is or has been a Chief Justice of a High Court;
b) as a Member other than a Judicial Member, if he is a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

4. (1) The Chairperson and Members shall be appointed by the President after obtaining the recommendations of a Selection Committee consisting of—
(a) the Prime Minister—chairperson;
(b) the Speaker of the House of the People—member;
(c) the Leader of Opposition in the House of the People—member;
(d) the Chief Justice of India or a Judge of the Supreme Court nominated by him—member;
(e) one eminent jurist nominated by the President—member.

2. No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.

(3) The Selection Committee shall for the purposes of selecting the Chairperson and Members of the Lokpal and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee consisting of at least seven persons of standing and having special knowledge and expertise in the matters relating to anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law and management or in any other matter which, in the opinion of the Selection Committee, may be useful in making the selection of the Chairperson and Members of the Lokpal:

Provided that not less than fifty per cent. of the members of the Search Committee shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women:

Provided further that the Selection Committee may also consider any person other than the persons recommended by the Search Committee.

(4) The Selection Committee shall regulate its own procedure in a transparent manner for selecting the Chairperson and Members of the Lokpal.

(5) The term of the Search Committee referred to in sub-section (3), the fees and allowances payable to its members and the manner of selection of panel of names shall be such as may be prescribed.

5. The President shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and Members at least three months before the expiry of the term of the Chairperson or Member, as the case may be, in accordance with the procedure laid down in this Act.

6. The Chairperson and every Member shall, on the recommendations of the Selection Committee, be appointed by the President by warrant under his hand and seal and hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Provided that he may—
(a) by writing under his hand addressed to the President, resign his office; or
(b) be removed from his office in the manner provided in section 37.
7. The salary, allowances and other conditions of service of—
(i) the Chairperson shall be the same as those of the Chief Justice of India;
(ii) other Members shall be the same as those of a Judge of the Supreme Court:

Provided that if the Chairperson or a Member is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a Member, be reduced—
(a) by the amount of that pension; and
(b) if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

Provided further that the salary, allowances and pension payable to, and other conditions of service of, the Chairperson or a Member shall not be varied to his disadvantage after his appointment.

8. (1) On ceasing to hold office, the Chairperson and every Member shall be ineligible for—
(i) reappointment as the Chairperson or a Member of the Lokpal;
(ii) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal;
(iii) further employment to any other office of profit under the Government of India or the Government of a State;
(iv) contesting any election of President or Vice-President or Member of either House of Parliament or Member of either House of a State Legislature or Municipality or Panchayat within a period of five years from the date of relinquishing the post.

(2) Notwithstanding anything contained in sub-section (1), a Member shall be eligible to be appointed as a Chairperson, if his total tenure as Member and Chairperson does not exceed five years.

Explanation.—For the purposes of this section, it is hereby clarified that where the Member is appointed as the Chairperson, his term of office shall not be more than five years in aggregate as the Member and the Chairperson.

9. (1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise the senior-most Member to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, the senior-most Member available, as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

10. (1) There shall be a Secretary to the Lokpal in the rank of Secretary to Government of India, who shall be appointed by the Chairperson from a panel of names sent by the Central Government.

(2) There shall be a Director of Inquiry and a Director of Prosecution not below the rank of Additional Secretary to the Government of India or equivalent, who shall be appointed by the Chairperson from a panel of names sent by the Central Government.

(3) The appointment of officers and other staff of the Lokpal shall be made by the Chairperson or such Member or officer of Lokpal as the Chairperson may direct:

Provided that the President may by rule require that the appointment in respect of any post or posts as may be specified in the rule, shall be made after consultation with the Union Public Service Commission.

(4) Subject to the provisions of any law made by Parliament, the conditions of service of Secretary and other officers and staff of the Lokpal shall be such as may be specified by regulations made by the Lokpal for the purpose:

Provided that the regulations made under this sub-section shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the President.

CHAPTER III
INQUIRY WING

11. (1) Notwithstanding anything contained in any law for the time being in force, the Lokpal shall constitute an Inquiry Wing headed by the Director of Inquiry for the purpose of conducting
preliminary inquiry into any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988.

Provided that till such time the Inquiry Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting preliminary inquiries under this Act.

(2) For the purposes of assisting the Lokpal in conducting a preliminary inquiry under this Act, the officers of the Inquiry Wing not below the rank of the Under Secretary to the Government of India, shall have the same powers as are conferred upon the Inquiry Wing of the Lokpal under section 27.

CHAPTER IV
PROSECUTION WING

12. (1) The Lokpal shall, by notification, constitute a Prosecution Wing headed by the Director of Prosecution for the purpose of prosecution of public servants in relation to any complaint by the Lokpal under this Act:

Provided that till such time the Prosecution Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting prosecution under this Act.

(2) The Director of Prosecution shall, after having been so directed by the Lokpal, file a case in accordance with the findings of investigation report, before the Special Court and take all necessary steps in respect of the prosecution of public servants in relation to any offence punishable under the Prevention of Corruption Act, 1988.

(3) The case under sub-section (2), shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973.

CHAPTER V
EXPENSES OF LOKPAL TO BE CHARGED ON CONSOLIDATED FUND OF INDIA

13. The administrative expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, shall be charged upon the Consolidated Fund of India and any fees or other moneys taken by the Lokpal shall form part of that Fund.

CHAPTER VI
JURISDICTION IN RESPECT OF INQUIRY

14. (1) Subject to the other provisions of this Act, the Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:—

a. any person who is or has been a Prime Minister:

Provided that the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against the Prime Minister,—

i. in so far as it relates to international relations, external and internal security, public order, atomic energy and space;

ii. unless a full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry and at least two-thirds of its Members approves of such inquiry:

Provided further that any such inquiry shall be held in camera and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone;

b. any person who is or has been a Minister of the Union;

c. any person who is or has been a Member of either House of Parliament;

d. any Group 'A' or Group 'B' officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served, in connection with the affairs of the Union;
e. any Group 'C' or Group 'D' official or equivalent, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served in connection with the affairs of the Union subject to the provision of sub-section (1) of section 20;

f. any person who is or has been a chairperson or member or officer or employee in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or wholly or partly financed by the Central Government or controlled by it:

Provided that in respect of such officers referred to in clause (d) who have served in connection with the affairs of the Union or in any body or Board or corporation or authority or company or society or trust or autonomous body referred to in clause (e) but are working in connection with the affairs of the State or in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it, the Lokpal and the officers of its Inquiry Wing or Prosecution Wing shall have jurisdiction under this Act in respect of such officers only after obtaining the consent of the concerned State Government;

g. any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed or aided by the Government and the annual income of which exceeds such amount as the Central Government may, by notification, specify;

h. any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from the public and the annual income of which exceeds such amount as the Central Government may, by notification—

Explanation.—For the purpose of clauses (f) and (g), it is hereby clarified that any entity or institution, by whatever name called, corporate, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership (whether registered under any law for the time being in force or not), shall be the entities covered in those clauses:

Provided that any person referred to in this clause shall be deemed to be a public servant under clause (c) of section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

(2) Notwithstanding anything contained in sub-section (1), the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any Member of either House of Parliament in respect of anything said or a vote given by him in Parliament or any committee thereof covered under the provisions contained in clause (2) of article 105 of the Constitution.

(3) The Lokpal may inquire into any act or conduct of any person other than those referred to in sub-section (1), if such person is involved in the act of abetting, bribe giving or bribe taking or conspiracy relating to any allegation of corruption under the Prevention of Corruption Act, 1988 against a person referred to in sub-section (1):

Provided that no action under this section shall be taken in case of a person serving in connection with the affairs of a State, without the consent of the State Government.

(4) No matter in respect of which a complaint has been made to the Lokpal under this Act, shall be referred for inquiry under the Commissions of Inquiry Act, 1952.

Explanation.—For the removal of doubts, it is hereby declared that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

15. In case any matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 has been pending before any court or committee of either House of Parliament or before any other authority prior to commencement of this Act or prior to commencement of any inquiry after the commencement of this Act, such matter or proceeding shall be continued before such court, committee or authority.

16. (1) Subject to the provisions of this Act,—

a. the jurisdiction of the Lokpal may be exercised by benches thereof;
b. a bench may be constituted by the Chairperson with two or more Members as the Chairperson may deem fit;
c. every bench shall ordinarily consist of at least one Judicial Member;
d. where a bench consists of the Chairperson, such bench shall be presided over by the Chairperson;
e. where a bench consists of a Judicial Member, and a non-Judicial Member, not being the Chairperson, such bench shall be presided over by the Judicial Member;
f. the benches of the Lokpal shall ordinarily sit at New Delhi and at such other places as the Lokpal may, by regulations, specify.

(2) The Lokpal shall notify the areas in relation to which each bench of the Lokpal may exercise jurisdiction.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson shall have the power to constitute or reconstitute benches from time to time.

(4) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such nature that it ought to be heard by a bench consisting of three or more Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him for transfer, to such bench as the Chairperson may deem fit.

17. Where benches are constituted, the Chairperson may, from time to time, by notification, make provisions as to the distribution of the business of the Lokpal amongst the benches and also provide for the matters which may be dealt with by each bench.

18. On an application for transfer made by the complainant or the public servant, the Chairperson, after giving an opportunity of being heard to the complainant or the public servant, as the case may be, may transfer any case pending before one bench for disposal to any other bench.

19. If the Members of a bench consisting of an even number of Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Lokpal and such point or points shall be decided according to the opinion of the majority of the Members of the Lokpal who have heard the case, including those who first heard it.

CHAPTER VII

PROCEDURE IN RESPECT OF PRELIMINARY INQUIRY AND INVESTIGATION

20. (1) The Lokpal shall, on receipt of a complaint first decide whether to proceed in the matter or close the same and if the Lokpal decides to proceed further, it shall order the preliminary inquiry against any public servant by its Inquiry Wing or any agency (including the Delhi Special Police Establishment) to ascertain whether there exists a prima facie case for proceeding in the matter:

Provided that the Lokpal shall if it has decided to proceed with the preliminary inquiry, by a general or special order, refer the complaints or a category of complaints or a complaint received by it in respect of public servants belonging to Group A or Group B or Group C or Group D to the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003:

Provided further that the Central Vigilance Commission in respect of complaints referred to it under the first proviso, after making preliminary inquiry in respect of public servants belonging to Group A and Group B, shall submit its report to the Lokpal in accordance with the provisions contained in sub-sections (2) and (4) and in case of public servants belonging to Group C and Group D, the Commission shall proceed in accordance with the provisions of the Central Vigilance Commission Act, 2003.

(2) During the preliminary inquiry referred to in sub-section (1), the Inquiry Wing or any agency (including the Delhi Special Police Establishment) shall conduct a preliminary inquiry and on the basis of material, information and documents collected seek the comments on the allegations made in the complaint from the public servant and the competent authority and after obtaining the comments of the concerned public servant and the competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokpal.

(3) A bench consisting of not less than three Members of the Lokpal shall consider every report received under sub-section (2) from the Inquiry Wing or any agency (including the Delhi Special
Police Establishment), and after giving an opportunity of being heard to the public servant, decide whether there exists a *prima facie* case, and to proceed with one or more of the following actions, namely:—

(a) investigation by any agency or the Delhi Special Police Establishment, as the case may be;
(b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority;
(c) closure of the proceedings against the public servant and to proceed against the complainant under section 46.

(4) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

(5) In case the Lokpal decides to proceed to investigate into the complaint, it shall direct any agency (including the Delhi Special Police Establishment) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order and submit the investigation report containing its findings to the Lokpal.

Provided that the Lokpal may extend the said period by a further not exceeding of six months at a time for the reasons to be recorded in writing.

(6) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any agency (including the Delhi Special Police Establishment) shall, in respect of cases referred to it by the Lokpal, submit the investigation report to the Lokpal.

(7) A bench consisting of not less than three Members of the Lokpal shall consider every report received by it under sub-section (6) from any agency (including the Delhi Special Police Establishment) and may decide to—

(a) file charge-sheet or closure report before the Special Court against the public servant;
(b) initiate the departmental proceedings or any other appropriate action against the concerned public servant by the competent authority.

(8) The Lokpal may, after taking a decision under sub-section (7) on the filing of the charge-sheet, direct its Prosecution Wing to initiate prosecution in the Special Court in respect of the cases investigated by any agency (including the Delhi Special Police Establishment).

(9) The Lokpal may, during the preliminary inquiry or the investigation, as the case may be, pass appropriate orders for the safe custody of the documents relevant to the preliminary inquiry or, as the case may be, investigation as it deems fit.

(10) The website of the Lokpal shall, from time to time and in such manner as may be specified by regulations, display to the public, the status of number of complaints pending before it or disposed of by it.

(11) The Lokpal may retain the original records and evidences which are likely to be required in the process of preliminary inquiry or investigation or conduct of a case by it or by the Special Court.

(12) Save as otherwise provided, the manner and procedure of conducting a preliminary inquiry or investigation (including such material and documents to be made available to the public servant) under this Act, shall be such as may be specified by regulations.

21. If, at any stage of the proceeding, the Lokpal—

(a) considers it necessary to inquire into the conduct of any person other than the accused; or
(b) is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry, the Lokpal shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice.

22. Subject to the provisions of this Act, for the purpose of any preliminary inquiry or investigation, the Lokpal or the investigating agency, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such preliminary inquiry or investigation, to furnish any such information or produce any such document.

23. (1) No sanction or approval of any authority shall be required by the Lokpal for conducting a preliminary inquiry or an investigation on the direction of the Lokpal, under section 197 of the Code of Criminal Procedure, 1973 or section 6A of the Delhi Special Police Establishment Act, 1946 or section 19 of the Prevention of Corruption Act, 1988, as the case may be, for the purpose of making preliminary inquiry by the Inquiry Wing or any agency (including the Delhi Special Police
Establishment) or investigation by any agency (including the Delhi Special Police Establishment) into any complaint against any public servant or for filing of any charge sheet or closure report on completion of investigation in respect thereof before the Special Court under this Act.

(2) A Special Court may, notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, on filing of a charge sheet in accordance with the provisions of sub-section (7) of section 20, take cognizance of offence committed by any public servant.

(3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been specified therein.

(4) The provisions contained in sub-sections (1), (2) and (3) shall be without prejudice to the generality of the provisions contained in article 311 and sub-clause (c) of clause (3) of article 320 of the Constitution.

24. Where, after the conclusion of the investigation, the findings of the Lokpal disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to in clause (a) or clause (b) or clause (c) of sub-section (1) of section 14, the Lokpal may file a case in the Special Court and shall send a copy of the report together with its findings to the competent authority.

CHAPTER VIII

POWERS OF LOKPAL

25. (1) The Lokpal shall, notwithstanding anything contained in section 4 of the Delhi Special Police Establishment Act, 1946 and section 8 of the Central Vigilance Commission Act, 2003, have the powers of superintendence and direction, over the Delhi Special Police Establishment in respect of the matters referred by the Lokpal for preliminary inquiry or investigation to the Delhi Special Police Establishment under this Act: Provided that while exercising powers of superintendence or giving direction under this sub-section, the Lokpal shall not exercise powers in such a manner so as to require any agency (including the Delhi Special Police Establishment) to whom the investigation has been given, to investigate and dispose of any case in a particular manner.

(2) The Central Vigilance Commission shall send a statement, at such interval as the Lokpal may direct, to the Lokpal in respect of action taken on complaints referred to it under the second proviso to sub-section (1) of section 20 and on receipt of such statement, the Lokpal may issue guidelines for effective and expeditious disposal of such cases.

26. (1) If the Lokpal has reason to believe that any document which, in its opinion, shall be useful for, or relevant to, any investigation under this Act, are secreted in any place, it may authorise any agency (including the Delhi Special Police Establishment) to whom the investigation has been given to search for and to seize such documents.

(2) If the Lokpal is satisfied that any document seized under sub-section (1) may be used as evidence for the purpose of any investigation under this Act and that it shall be necessary to retain the document in its custody or in the custody of such officer as may be authorised, it may so retain or direct such authorised officer to retain such document till the completion of such investigation:

Provided that where any document is required to be returned, the Lokpal or the authorised officer may return the same after retaining copies of such document duly authenticated.

27. (1) Subject to the provisions of this section, for the purpose of any preliminary inquiry, the Inquiry Wing of the Lokpal shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

(i) summoning and enforcing the attendance of any person and examining him on oath;
(ii) requiring the discovery and production of any document;
(iii) receiving evidence on affidavits;
(iv) requisitioning any public record or copy thereof from any court or office;
(v) issuing commissions for the examination of witnesses or documents:

Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokpal, is not in a position to attend the proceeding before the Lokpal; and

(vi) such other matters as may be prescribed.
(2) Any proceeding before the Lokpal shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

28. (1) The Lokpal may, for the purpose of conducting any preliminary inquiry or investigation, utilise the services of any officer or organisation or investigating agency of the Central Government or any State Government, as the case may be.

(2) For the purpose of preliminary inquiry or investigating into any matter pertaining to such inquiry or investigation, any officer or organisation or agency whose services are utilised under sub-section (1) may, subject to the superintendence and direction of the Lokpal,—
   (a) summon and enforce the attendance of any person and examine him;
   (b) require the discovery and production of any document; and
   (c) requisition any public record or copy thereof from any office.

(3) The officer or organisation or agency whose services are utilised under sub-section (2) shall inquire or, as the case may be, investigate into any matter pertaining to the preliminary inquiry or investigation and submit a report thereon to the Lokpal within such period as may be specified by it in this behalf.

29. (1) Where the Lokpal or any officer authorised by it in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that—
   (a) any person is in possession of any proceeds of corruption;
   (b) such person is accused of having committed an offence relating to corruption; and
   (c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence, the Lokpal or the authorised officer may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order, in the manner provided in the Second Schedule to the Income-tax Act, 1961 and the Lokpal and the officer shall be deemed to be an officer under sub-rule (e) of rule 1 of that Schedule.

(2) The Lokpal or the officer authorised in this behalf shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court may extend the order of attachment and keep such material for such period as the Court may deem fit.

(3) Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under sub-section (2).

(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.

   Explanation.—For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.

30. (1) The Lokpal, when it provisionally attaches any property under sub-section (1) of section 29 shall, within a period of thirty days of such attachment, direct its Prosecution Wing to file an application stating the facts of such attachment before the Special Court and make a prayer for confirmation of attachment of the property till completion of the proceedings against the public servant in the Special Court.

(2) The Special Court may, if it is of the opinion that the property provisionally attached had been acquired through corrupt means, make an order for confirmation of attachment of such property till the completion of the proceedings against the public servant in the Special Court.

(3) If the public servant is subsequently acquitted of the charges framed against him, the property, subject to the orders of the Special Court, shall be restored to the concerned public servant along with benefits from such property as might have accrued during the period of attachment.

(4) If the public servant is subsequently convicted of the charges of corruption, the proceeds relatable to the offence under the Prevention of Corruption Act, 1988 shall be confiscated and vest in the Central Government free from any encumbrance or leasehold interest excluding any debt due to any bank or financial institution.

   Explanation.—For the purposes of this sub-section, the expressions "bank", "debt" and "financial institution" shall have the meanings respectively assigned to them in clauses (d), (g) and (h) of section 2 of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993.
31. (1) Without prejudice to the provisions of sections 29 and 30, where the Special Court, on the basis of prima facie evidence, has reason to believe or is satisfied that the assets, proceeds, receipts and benefits, by whatever name called, have arisen or procured by means of corruption by the public servant, it may authorise the confiscation of such assets, proceeds, receipts and benefits till his acquittal.

(2) Where an order of confiscation made under sub-section (1) is modified or annulled by the High Court or where the public servant is acquitted by the Special Court, the assets, proceeds, receipts and benefits, confiscated under sub-section (1) shall be returned to such public servant, and in case it is not possible for any reason to return the assets, proceeds, receipts and benefits, such public servant shall be paid the price thereof including the money so confiscated with interest at the rate of five per cent. per annum thereon calculated from the date of confiscation.

32. (1) Where the Lokpal, while making a preliminary inquiry into allegations of corruption, is prima facie satisfied, on the basis of evidence available,—

(i) that the continuance of the public servant referred to in clause (d) or clause (e) or clause (f) of sub-section (1) of section 14 in his post while conducting the preliminary inquiry is likely to affect such preliminary inquiry adversely; or

(ii) such public servant is likely to destroy or in any way tamper with the evidence or influence witnesses, then, the Lokpal may recommend to the Central Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.

(2) The Central Government shall ordinarily accept the recommendation of the Lokpal made under sub-section (1), except for the reasons to be recorded in writing in a case where it is not feasible to do so for administrative reasons.

33. The Lokpal may, in the discharge of its functions under this Act, issue appropriate directions to a public servant entrusted with the preparation or custody of any document or record—

(a) to protect such document or record from destruction or damage; or

(b) to prevent the public servant from altering or secreting such document or record; or

(c) to prevent the public servant from transferring or alienating any assets allegedly acquired by him through corrupt means.

34. The Lokpal may, by general or special order in writing, and subject to such conditions and limitations as may be specified therein, direct that any administrative or financial power conferred on it may also be exercised or discharged by such of its Members or officers or employees as may be specified in the order.

CHAPTER IX

SPECIAL COURTS

35. (1) The Central Government shall constitute such number of Special Courts, as recommended by the Lokpal, to hear and decide the cases arising out of the Prevention of Corruption Act, 1988 or under this Act.

(2) The Special Courts constituted under sub-section (1) shall ensure completion of each trial within a period of one year from the date of filing of the case in the Court:

Provided that in case the trial cannot be completed within a period of one year, the Special Court shall record reasons therefor and complete the trial within a further period of not more than three months or such further periods not exceeding three months each, for reasons to be recorded in writing before the end of each such three months period, but not exceeding a total period of two years.

36. (1) Notwithstanding anything contained in this Act or the Code of Criminal Procedure, 1973 if, in the course of an preliminary inquiry or investigation into an offence or other proceeding under this Act, an application is made to a Special Court by an officer of the Lokpal authorised in this behalf that any evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act and he is of the opinion that such evidence may be available in any place in a contracting State, and the Special Court, on being satisfied that such evidence is required in connection with the preliminary inquiry or investigation into an offence or proceeding under this Act, may issue a letter of request to a court or an authority in the contracting State competent to deal with such request to—
(i) examine the facts and circumstances of the case;
(ii) take such steps as the Special Court may specify in such letter of request; and
(iii) forward all the evidence so taken or collected to the Special Court issuing such letter of request.

(2) The letter of request shall be transmitted in such manner as the Central Government may prescribe in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be evidence collected during the course of the preliminary inquiry or investigation.

CHAPTER X

COMPLAINTS AGAINST CHAIRPERSON, MEMBERS AND OFFICIALS OF LOKPAL

37. (1) The Lokpal shall not inquire into any complaint made against the Chairperson or any Member.

(2) Subject to the provisions of sub-section (4), the Chairperson or any Member shall be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it—

(i) by the President; or
(ii) by the President on a petition being signed by at least one hundred Members of Parliament; or
(iii) by the President on receipt of a petition made by a citizen of India and where the President is satisfied that the petition should be referred, has, on an inquiry held in accordance with the procedure prescribed in that behalf, reported that the Chairperson or such Member, as the case may be, ought to be removed on such ground.

(3) The President may suspend from office the Chairperson or any Member in respect of whom a reference has been made to the Supreme Court under sub-section (2) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(4) Notwithstanding anything contained in sub-section (2), the President may, by order, remove from the office, the Chairperson or any Member if the Chairperson or such Member, as the case may be,—

(a) is adjudged an insolvent; or
(b) engages, during his term of office, in any paid employment outside the duties of his office; or
(c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

(5) If the Chairperson or any Member is, or becomes, in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising there from otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (2), be deemed to be guilty of misbehaviour.

38. (1) Every complaint of allegation or wrongdoing made against any officer or employee or agency (including the Delhi Special Police Establishment), under or associated with the Lokpal for an offence punishable under the Prevention of Corruption Act, 1988 shall be dealt with in accordance with the provisions of this section.

(2) The Lokpal shall complete the inquiry into the complaint or allegation made within a period of thirty days from the date of its receipt.

(3) While making an inquiry into the complaint against any officer or employee of the Lokpal or agency engaged or associated with the Lokpal, if it is prima facie satisfied on the basis of evidence available, that—

(a) continuance of such officer or employee of the Lokpal or agency engaged or associated in his post while conducting the inquiry is likely to affect such inquiry adversely; or
(b) an officer or employee of the Lokpal or agency engaged or associated is likely to destroy or in any way tamper with the evidence or influence witnesses, then, the Lokpal may, by order, suspend such officer or employee of the Lokpal or divest such agency engaged or associated with the Lokpal of all powers and responsibilities hereto before exercised by it.
(4) On the completion of the inquiry, if the Lokpal is satisfied that there is *prima facie* evidence of the commission of an offence under the Prevention of Corruption Act, 1988 or of any wrongdoing, it shall, within a period of fifteen days of the completion of such inquiry, order to prosecute such officer or employee of the Lokpal or such officer, employee, agency engaged or associated with the Lokpal and initiate disciplinary proceedings against the official concerned:

Provided that no such order shall be passed without giving such officer or employee of the Lokpal, such officer, employee, agency engaged or associated, a reasonable opportunity of being heard.

**CHAPTER XI**

**ASSESSMENT OF LOSS AND RECOVERY THEREOF BY SPECIAL COURT**

39. If any public servant is convicted of an offence under the Prevention of Corruption Act, 1988 by the Special Court, notwithstanding and without prejudice to any law for the time being in force, it may make an assessment of loss, if any, caused to the public exchequer on account of the actions or decisions of such public servant not taken in good faith and for which he stands convicted, and may order recovery of such loss, if possible or quantifiable, from such public servant so convicted:

Provided that if the Special Court, for reasons to be recorded in writing, comes to the conclusion that the loss caused was pursuant to a conspiracy with the beneficiary or beneficiaries of actions or decisions of the public servant so convicted, then such loss may, if assessed and quantifiable under this section, also be recovered from such beneficiary or beneficiaries proportionately.

**CHAPTER XII**

**FINANCE, ACCOUNTS AND AUDIT**

40. The Lokpal shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Lokpal and forward the same to the Central Government for information.

41. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Lokpal grants of such sums of money as are required to be paid for the salaries and allowances payable to the Chairperson and Members and the administrative expenses, including the salaries and allowances and pension payable to or in respect of officers and other employees of the Lokpal.

42. (1) The Lokpal shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Lokpal shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.

(3) The Comptroller and Auditor-General of India or any person appointed by him in connection with the audit of the accounts of the Lokpal under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Lokpal.

(4) The accounts of the Lokpal, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

43. The Lokpal shall furnish to the Central Government, at such time and in such form and manner as may be prescribed or as the Central Government may request, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Lokpal, as the Central Government may, from time to time, require.
CHAPTER XIII

DECLARATION OF ASSETS

44. (1) Every public servant shall make a declaration of his assets and liabilities in the manner as provided by or under this Act.

(2) A public servant shall, within a period of thirty days from the date on which he makes and subscribes an oath or affirmation to enter upon his office, furnish to the competent authority the information relating to—
(a) the assets of which he, his spouse and his dependent children are, jointly or severally, owners or beneficiaries;
(b) his liabilities and that of his spouse and his dependent children.

(3) A public servant holding his office as such, at the time of the commencement of this Act, shall furnish information relating to such assets and liabilities, as referred to in subsection (2), to the competent authority within thirty days of the coming into force of this Act.

(4) Every public servant shall file with the competent authority, on or before the 31st July of every year, an annual return of such assets and liabilities, as referred to in sub-section (2), as on the 31st March of that year.

(5) The information under sub-section (2) or sub-section (3) and annual return under sub-section (4) shall be furnished to the competent authority in such form and in such manner as may be prescribed.

(6) The competent authority in respect of each Ministry or Department shall ensure that all such statements are published on the website of such Ministry or Department by 31st August of that year.

Explanation. — For the purposes of this section, "dependent children" means sons and daughters who have no separate means of earning and are wholly dependent on the public servant for their livelihood.

45. If any public servant wilfully or for reasons which are not justifiable, fails to—
(a) to declare his assets; or
(b) gives misleading information in respect of such assets and is found to be in possession of assets not disclosed or in respect of which misleading information was furnished, then, such assets shall, unless otherwise proved, be presumed to belong to the public servant and shall be presumed to be assets acquired by corrupt means:

Provided that the competent authority may condone or exempt the public servant from furnishing information in respect of assets not exceeding such minimum value as may be prescribed.

CHAPTER XIV

OFFENCES AND PENALTIES

46. (1) Notwithstanding anything contained in this Act, whoever makes any false and frivolous or vexatious complaint under this Act shall, on conviction, be punished with imprisonment for a term which may extend to one year and with fine which may extend to one lakh rupees.

(2) No Court, except a Special Court, shall take cognizance of an offence under subsection (1).

(3) No Special Court shall take cognizance of an offence under sub-section (1) except on a complaint made by a person against whom the false, frivolous or vexatious complaint was made or by an officer authorised by the Lokpal.

(4) The prosecution in relation to an offence under sub-section (1) shall be conducted by the public prosecutor and all expenses connected with such prosecution shall be borne by the Central Government.

(5) In case of conviction of a person [being an individual or society or association of persons or trust (whether registered or not)], for having made a false complaint under this Act, such person shall be liable to pay compensation to the public servant against whom he made the false complaint in addition to the legal expenses for contesting the case by such public servant, as the Special Court may determine.

(6) Nothing contained in this section shall apply in case of complaints made in good faith.

Explanation. — For the purpose of this sub-section, the expression "good faith" shall have the same meaning assigned to it in section 52 of the Indian Penal Code.
47. (1) Where any offence under sub-section (1) of section 46 has been committed by any society or 
association of persons or trust (whether registered or not), every person who, at the time the offence 
was committed, was directly in charge of, and was responsible to, the society or association of persons 
or trust, for the conduct of the business or affairs or activities of the society or association of persons 
or trust as well as such society or association of persons or trust shall be deemed to be guilty of the 
offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any 
punishment provided in this Act, if he proves that the offence was committed without his knowledge or 
that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has 
been committed by a society or association of persons or trust (whether registered or not) and it is 
proved that the offence has been committed with the consent or connivance of, or is attributable to any 
neglect on the part of, any director, manager, secretary or other officer of such society or association of 
persons or trust, such director, manager, secretary or other officer shall also be deemed to be guilty of 
that offence and shall be liable to be proceeded against and punished accordingly.

CHAPTER XV
MISCELLANEOUS

48. It shall be the duty of the Lokpal to present annually to the President a report on the work done by 
the Lokpal and on receipt of such report the President shall cause a copy thereof together with a 
memorandum explaining, in respect of the cases, if any, where the advice of the Lokpal was not 
accepted, the reason for such non-acceptance to be laid before each House of Parliament.

49. The Lokpal shall function as the final appellate authority in respect of appeals arising out of any 
other law for the time being in force providing for delivery of public services and redressal of public 
grievances by any public authority in cases where the decision contains findings of corruption under 

50. No suit, prosecution or other legal proceedings under this Act shall lie against any public servant, 
in respect of anything which is done in good faith or intended to be done in the discharge of his official 
functions or in exercise of his powers.

51. No suit, prosecution or other legal proceedings shall lie against the Lokpal or against any officer, 
employee, agency or any person, in respect of anything which is done in good faith or intended to be 
done under this Act or the rules or the regulations made thereunder.

52. The Chairperson, Members, officers and other employees of the Lokpal shall be deemed, when 
acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants 
within the meaning of section 21 of the Indian Penal Code.

53. The Lokpal shall not inquire or investigate into any complaint, if the complaint is made after the 
expiry of a period of seven years from the date on which the offence mentioned in such complaint is 
alleged to have been committed.

54. No civil court shall have jurisdiction in respect of any matter which the Lokpal is empowered by 
or under this Act to determine.

55. The Lokpal shall provide to every person against whom a complaint has been made, before it, 
under this Act, legal assistance to defend his case before the Lokpal, if such assistance is requested for.

56. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith 
contained in any enactment other than this Act or in any instrument having effect by virtue of any 
enactment other than this Act.

57. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the 
time being in force.

58. The enactments specified in the Schedule shall be amended in the manner specified therein.

59. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out 
the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may 
provide for all or any of the following matters, namely:—

(a) the form of complaint referred to in clause (e) of sub-section (1) of section 2;
(b) the term of the Search Committee, the fee and allowances payable to its members and
the manner of selection of panel of names under sub-section (5) of section 4;
(c) the post or posts in respect of which the appointment shall be made after consultation
with the Union Public Service Commission under the proviso to subsection (3) of section
10;
(d) other matters for which the Lokpal shall have the powers of a civil court under clause
(vi) of sub-section (1) of section 27;
(e) the manner of sending the order of attachment along with the material to the Special
Court under sub-section (2) of section 29;
(f) the manner of transmitting the letter of request under sub-section (2) of section 36;
(g) the form and the time for preparing in each financial year the budget for the next
financial year, showing the estimated receipts and expenditure of the Lokpal under section
40;
(h) the form for maintaining the accounts and other relevant records and the form of
annual statement of accounts under sub-section (1) of section 42;
(i) the form and manner and the time for preparing the returns and statements along with
particulars under of section 43;
(j) the form and the time for preparing an annual return giving a summary of its activities
during the previous year under sub-section (5) of section 44;
(k) the form of annual return to be filed by a public servant under sub-section (5) of
section 44;
(l) the minimum value for which the competent authority may condone or exempt a
public servant from furnishing information in respect of assets under the proviso to
section 45;
(m) any other matter which is to be or may be prescribed.

60. (1) Subject to the provisions of this Act and the rules made thereunder, the Lokpal may, by
notification in the Official Gazette, make regulations to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such
regulations may provide for all or any of the following matters, namely:—

(a) the conditions of service of the secretary and other officers and staff of the Lokpal and
the matters which in so far as they relate to salaries, allowances, leave or pensions, require
the approval of the President under sub-section (4) of section 10;
(b) the place of sittings of benches of the Lokpal under clause (f) of sub-section (1) of
section 16;
(c) the manner for displaying on the website of the Lokpal, the status of all complaints
pending or disposed of along with records and evidence with reference thereto under sub-
section (10) of section 20;
(d) the manner and procedure of conducting preliminary inquiry or investigation under
sub-section (11) of section 20;
(e) any other matter which is required to be, or may be, specified under this Act.

61. Every rule and regulation made under this Act shall be laid, as soon as may be after it is made,
before each House of Parliament, while it is in session, for a total period of thirty days which may be
comprised in one session or in two or more successive sessions, and if, before the expiry of the session
immediately following the session or the successive sessions aforesaid, both Houses agree in making
any modification in the rule or regulation, or both Houses agree that the rule or regulation should not
be made, the rule or regulation shall thereafter have effect only in such modified form or be of no
effect, as the case may be; so, however, that any such modification or annulment shall be without
prejudice to the validity of anything previously done under that rule or regulation.

62. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government
may, by order, published in the Official Gazette, make such provisions not inconsistent with the
provisions of this Act, as appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two
years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before
each House of Parliament.
PART III

LOKAYUKTA FOR A STATE

CHAPTER I
DEFINITIONS

63. (1) In this Part unless the context otherwise requires,—

(a) "Bench" means a Bench of the Lokayukta;
(b) "Chairperson" means the Chairperson of the Lokayukta;
(c) "competent authority", in relation to—
   i. the Chief Minister, means the Legislative Assembly of the State;
   ii. a member of the Council of Ministers, means the Chief Minister;
   iii. a member of State Legislature other than a Minister means—
      A. in the case of a member of the Legislative Council, the Chairman of that Council; and
      B. in the case of a member of the Legislative Assembly, the Speaker of that House;
iv. an officer in the Ministry or Department of the State Government means the Minister in charge of the Ministry or Department under which such officer is serving;
v. a chairperson or members of any body, or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of Parliament or of a State Legislature or wholly or partly financed by the Central Government or the State Government or controlled by it, means the Minister in charge of the administrative Ministry of such body, or Board or corporation or authority or company or society or autonomous body;
vi. an officer of any body or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of Parliament or of a State Legislature or wholly or partly financed by the Central Government or the State Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;
vii. in any other case not falling under sub-clauses (i) to (vi) above, means such department or authority as the State Government may, by notification, specify:

Provided that if any person referred to in sub-clause (v) or sub-clause (vi) is also a Member of the State Legislature, then the competent authority shall be—

A. in case such member is a Member of the Legislative Council, the Chairman of that Council; and
B. in case such member is a Member of the Legislative Assembly, the Speaker of that House;

d) "investigation" means an investigation defined under clause (h) of section 2 of the Code of Criminal Procedure, 1973;
e) "Judicial Member" means a Judicial Member of the Lokayukta appointed as such;
f) "Lokayukta" means the body established under section 64;
g) "Member" means a Member of the Lokayukta;
h) "Minister" means Minister of a State Government but does not include the Chief Minister;
i) "preliminary inquiry" means an inquiry conducted under this Act by the Lokayukta;

(2) The words and expressions used herein and not defined in this Part but defined in the Prevention of Corruption Act, 1988, shall have the meanings respectively assigned to them in the said Acts.

CHAPTER II
ESTABLISHMENT OF LOKAYUKTA

64. (1) As from the commencement of this Act, there shall be established in a State, by notification in the Official Gazette, a body to be called the "Lokayukta".

(2) The Lokayukta shall consist of—

a) a Chairperson, who is or has been a Chief Justice of the High Court or a Judge of the High Court or an eminent person who fulfils the eligibility specified in clause (b) of subsection (3); and
b) such number of Members, not exceeding eight out of whom fifty per cent, shall be Judicial Members:
Provided that not less than fifty per cent. of the Members of the Lokayukta shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

(3) A person shall be eligible to be appointed,—
   (a) as a Judicial Member if he is or has been a Judge of the High Court;
   (b) as a Member other than a Judicial Member, if he is a person of impeccable integrity, outstanding ability having special knowledge and expertise of not less than twenty-five years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law, and management.

(4) The Chairperson or a Member shall not be—
   (i) a member of Parliament or a member of the Legislature of any State or Union territory;
   (ii) a person convicted of any offence involving moral turpitude;
   (iii) a person of less than forty-five years of age, on the date of assuming office as Chairperson or Member, as the case may be;
   (iv) a member of any Panchayat or Municipality;
   (v) a person who has been removed or dismissed from service of the Union or a State, and shall not hold any office of trust or profit (other than his office as the Chairperson or a Member) or be connected with any political party or carry on any business or practise any profession and accordingly, before he enters upon his office, a person appointed as the Chairperson or a Member, as the case may be, shall, if—
      a) he holds any office of trust or profit, resign from such office; or
      b) he is carrying on any business, sever his connection with the conduct and management of such business; or
      c) he is practising any profession, cease to practise such profession.

(5) The Lokayukta or State Lokpal (by whatever name called) constituted under any State law for the time being in force, before the commencement of this Act, and applicable to that State, shall continue to discharge their function and exercise powers conferred upon them under that law in respect of that State until such law is amended or repealed by the State Legislature so as to bring in conformity with this Act.

65. (1) The Chairperson and Members shall be appointed by the Governor after obtaining the recommendations of a Selection Committee consisting of—
   (a) the Chief Minister- chairperson;
   (b) the Speaker of the Legislative Assembly - member;
   (c) the Leader of Opposition in the Legislative Assembly - member;
   (d) the Chief Justice of the High Court of the State or a Judge of the High Court nominated by him -member;
   (e) an eminent jurist nominated by the Governor- member;

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Selection Committee.

(3) The Selection Committee shall for the purposes of selecting the Chairperson and Members of the Lokayukta and for preparing a panel of persons to be considered for appointment as such, constitute a Search Committee consisting of at least seven persons of standing and having special knowledge and expertise in the matters relating to anti-corruption policy, public administration, vigilance, policy making, finance including insurance and banking, law, and management, or in any other matter which, in the opinion of the Selection Committee, may be useful in making selection of the Chairperson and Members of the Lokayukta:

Provided that not less than fifty per cent., of the Members of the Search Committee shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women:

Provided further that the Selection Committee may also consider any person other than the persons recommended by the Search Committee.

(4) The Selection Committee shall regulate its own procedure for selecting the Chairperson and Members of the Lokayukta which shall be transparent.

(5) The term of the Search Committee referred to in sub-section (3), the fees and allowances payable to its members and the manner of selection of panel of names shall be such as may be prescribed.
66. The Governor shall take or cause to be taken all necessary steps for the appointment of a new Chairperson and Members at least three months before the expiry of the term of such Chairperson or Member, as the case may be, in accordance with the procedure laid down in this Act.

67. The Chairperson and every Member shall, on the recommendations of the Selection Committee, be appointed by the Governor by warrant under his hand and seal and hold office as such for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier:

Provided that he may—

(a) by writing under his hand addressed to the Governor, resign his office; or
(b) be removed from his office in the manner provided in this Act.

68. The salary, allowances and other conditions of service of—

(i) the Chairperson shall be the same as those of the Chief Justice of the High Court;
(ii) other Members shall be the same as those of a Judge of the High Court:

Provided that if the Chairperson or a Member is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a Member, be reduced—

(a) by the amount of that pension; and
(b) if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

Provided further that the salary, allowances and pension payable to, and other conditions of service of, the Chairperson or a Member shall not be varied to his disadvantage after his appointment.

69. (1) On ceasing to hold office, the Chairperson and every Member shall be ineligible for—

(i) reappointment as the Chairperson or a Member of the Lokayukta;
(ii) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the Governor by warrant under his hand and seal;
(iii) further employment to any other office of profit under the Government of India or the Government of a State;
(iv) contesting any election of President or Vice President or Member of either House of Parliament or Member of either House of a State Legislature or Municipality or Panchayat within a period of five years from the date of relinquishing the post.

(2) Notwithstanding anything contained in sub-section (1), a Member shall be eligible to be appointed as a Chairperson, if his total tenure as Member and Chairperson does not exceed five years.

Explanation.— For the purposes of this section, it is hereby clarified that where the Member is appointed as the Chairperson, his term of office shall not be more than five years in aggregate as the Member and the Chairperson.

70. (1) In the event of occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Governor may, by notification, authorise the senior-most Member to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, the senior-most Member available, as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

71. (1) There shall be a Secretary to the Lokayukta in the rank of Secretary to the State Government, who shall be appointed by the Chairperson from a panel of names sent by the State Government. 

(2) There shall be a Director of Inquiry and Director of Prosecution not below the rank of the Additional Secretary to the State Government or equivalent, who shall be appointed by the Chairperson from a panel of names sent by the State Government.

(3) The appointment of officers and staff of the Lokayukta shall be made by the Chairperson or such Member or officer of Lokayukta as the Chairperson may direct:

Provided that the Governor may by rule require that the appointment in respect of any post or posts as may be specified in the rule, shall be made after consultation with the State Public Service Commission.
(4) Subject to the provisions of any law made by the State Legislature, the conditions of service of secretary and other officers and staff of the Lokayukta shall be such as may be specified by regulations made by the Lokayukta for the purpose:
Provided that the regulations made under this sub-section shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor.

CHAPTER III

INQUIRY WING

72. (1) Notwithstanding anything contained in any law for the time being in force, the Lokayukta shall constitute an Inquiry Wing headed by the Director of Inquiry for the purpose of conducting preliminary inquiry into any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988:
Provided that till such time the Inquiry Wing is constituted by the Lokayukta, the State Government shall make available such number of officers and other staff from such of its Ministries or Departments, as may be required by the Lokayukta, for conducting preliminary inquiry under this Act.
(2) For the purposes of assisting the Lokayukta in conducting a preliminary inquiry under this Act, the officers of the Inquiry Wing not below the rank of Under Secretary to that Government, shall have the same powers as are conferred upon the Lokayukta under section 88.

CHAPTER IV

PROSECUTION WING

73. (1) The Lokayukta shall, by notification, constitute a Prosecution Wing headed by the Director of Prosecution for the purpose of prosecution of public servants in relation to any complaint by the Lokayukta under this Act:
Provided that till such time the Prosecution Wing is constituted by the Lokayukta, the State Government shall make available such number of officers and other staff from such of its Ministries or Departments, as may be required by the Lokayukta, for conducting prosecution under this Act.
(2) The Director of prosecution shall, after having been so directed by the Lokayukta, file a case in accordance with the findings of the investigation report, before the Special Court, and take all necessary steps in respect of the prosecution of public servants in relation to any offence punishable under the Prevention of Corruption Act, 1988.
(3) The report under sub-section (2) shall be deemed to be a report, filed on completion of investigation, referred to in section 173 of the Code of Criminal Procedure, 1973.

CHAPTER V

EXPENSES OF LOKAYUKTA TO BE CHARGED ON CONSOLIDATED FUND OF STATE

74. The administrative expenses of the Lokayukta, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or secretary or other officers or staff of the Lokayukta, shall be charged upon the Consolidated Fund of State and any fees or other moneys taken by the Lokayukta shall form part of that Fund.

CHAPTER VI

JURISDICTION IN RESPECT OF INQUIRY

75. (1) Subject to the other provisions of this Act, the Lokayukta shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:—
(a) any person who is or has been a Chief Minister;
(b) any other person who is or has been a Minister of the State;
(c) any person who is or has been a Member of the State Legislature;
(d) all officers and employees of the State, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 when serving or who has served, in connection with the affairs of the State;

(e) all officers and employees referred to in clause (d) or equivalent in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or of a State Legislature or wholly or partly financed by the State Government or controlled by it;

(f) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed or aided by the State Government and the annual income of which exceeds such amount as the State Government may, by notification, specify;

(g) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from the public and the annual income of which exceeds such amount as the State Government may by notification specify or from any foreign source under the Foreign Contribution (Regulation) Act, 2010 in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify;

Explanation.—For the purpose of clauses (f) and (g), it is hereby clarified that any entity or institution, by whatever name called, corporate, society, trust, association of persons, partnership, sole proprietorship, limited liability partnership (whether registered under any law for the time being in force or not), shall be the entities covered in those clauses:

Provided that any person referred to in this clause shall be deemed to be a public servant under clause (c) of section 2 of the Prevention of Corruption Act, 1988 and the provisions of that Act shall apply accordingly.

(2) Notwithstanding anything contained in sub-section (1), the Lokayukta shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any Member of the State Legislature in respect of anything said or a vote given by him in the State Legislature or any committee thereof covered under the provisions contained in clause (2) of article 194 of the Constitution.

(3) The Lokayukta may inquire into any act or conduct of any person other than those referred to in sub-section (1), if such person is involved in the act of abetting, bribe giving or bribe taking or conspiracy relating to any allegation of corruption under the Prevention of Corruption Act, 1988 against a person referred to in sub-section (1):

Provided that, no action under this section shall be taken in case of a person serving in connection with the affairs of the Union, without the consent of the Central Government.

(4) No matter in respect of which a complaint has been made to the Lokayukta under this Act shall be referred for inquiry under the Commissions of Inquiry Act, 1952.

Explanation.—For the removal of doubts, it is hereby declared that a complaint under this Act shall only relate to a period during which the public servant was holding or serving in that capacity.

76. In case any matter or proceeding related to allegation of corruption under the Prevention of Corruption Act, 1988 has been pending before any court or committee of the State Legislature or before any other authority prior to commencement of this Act or prior to commencement of any inquiry after the commencement of this Act, such matter or proceeding shall be continued before such court, committee or authority.

77. (1) Subject to the provisions of this Act, —

(a) the jurisdiction of the Lokayukta may be exercised by benches thereof;

(b) a bench may be constituted by the Chairperson with two or more Members as the Chairperson may deem fit;

(c) every bench shall ordinarily consist of at least one Judicial Member;

(d) where a bench consists of the Chairperson, such bench shall be presided over by the Chairperson;

(e) where a bench consists of a Judicial Member, and a non-Judicial Member, not being the Chairperson, such bench shall be presided over by the Judicial Member;

(f) the benches of the Lokayukta shall ordinarily sit at Capital of the State and at such other places as the Lokayukta may, by regulations, specify.
(2) The Lokayukta shall notify the areas in relation to which each bench of the Lokayukta may exercise jurisdiction.

(3) Notwithstanding anything contained in sub-section (2), the Chairperson shall have the power to constitute or reconstitute benches from time to time.

(4) If at any stage of the hearing of any case or matter it appears to the Chairperson or a Member that the case or matter is of such nature that it ought to be heard by a bench consisting of three or more Members, the case or matter may be transferred by the Chairperson or, as the case may be, referred to him for transfer, to such bench as the Chairperson may deem fit.

78. Where benches are constituted, the Chairperson may, from time to time, by notification, make provisions as to the distribution of the business of the Lokayukta amongst the benches and also provide for the matters which may be dealt with by each bench.

79. On an application for transfer made by the complainant or the public servant, the Chairperson, after giving an opportunity of being heard to the complainant or the public servant, as the case may be, may transfer any case pending before one bench for disposal to any other bench.

80. If the Members of a bench consisting of an even number of Members differ in opinion on any point, they shall state the point or points on which they differ, and make a reference to the Chairperson who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other Members of the Lokayukta and such point or points shall be decided according to the opinion of the majority of the Members of the Lokayukta who have heard the case, including those who first heard it.

CHAPTER VII

PROCEDURE IN RESPECT OF PRELIMINARY INQUIRY AND INVESTIGATION

81. (1) The Lokayukta shall, on receipt of a complaint, first decide whether to proceed in the matter or close the same and if the Lokayukta decides to proceed further, it shall order the preliminary inquiry against any public servant by its Inquiry Wing or any agency (including any special investigation agency) to ascertain whether there exist a prima facie case for proceeding in the matter.

(2) During the preliminary inquiry referred to in sub-section (1), the Inquiry Wing or any agency shall conduct a preliminary inquiry and on the basis of material, information and documents collected, seek the comments on the allegations made in the complaint from the public servant and competent authority and after obtaining the comments of the concerned public servant and competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokayukta.

(3) A bench consisting of not less than three Members of the Lokayukta shall consider every report received under sub-section (2) from the Inquiry Wing or any agency and after giving an opportunity of being heard to the public servant, decide as to whether there exists a prima facie case, and make recommendations to proceed with one or more of the following actions, namely:—

(a) investigation by any agency (including any special investigation agency);

(b) initiation of the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority;

(c) closure of the proceedings against the public servant and take action to proceed against the complainant under section 46.

(4) Every preliminary inquiry referred to in sub-section (1) shall ordinarily be completed within a period of ninety days and for reasons to be recorded in writing, within a further period of ninety days from the date of receipt of the complaint.

(5) In case the Lokayukta decides to proceed to investigate into the complaint, it shall either direct any investigation agency (including any special agency) to carry out the investigation as expeditiously as possible and complete the investigation within a period of six months from the date of its order:

Provided that the Lokayukta may extend the said period by a further period not exceeding six months at a time for the reasons to be recorded in writing.

(6) Notwithstanding anything contained in section 173 of the Code of Criminal Procedure, 1973, any investigation agency (including any special agency) shall, in respect of cases referred to it by the Lokayukta, submit the investigation report to the Lokayukta.

(7) A bench consisting of not less than three Members of the Lokayukta shall consider every report received by it under sub-section (6) from any investigation agency (including any special agency) and may, decide as to—

(a) file charge-sheet or closure report before the Special Court against the public servant;
(b) initiate the departmental proceedings or any other appropriate action against the concerned public servants by the competent authority.

(8) The Lokayukta may, after taking a decision under sub-section (7) on the filing of the charge-sheet, direct its Prosecution Wing to initiate prosecution in a Special Court in respect of cases investigated by any investigation agency (including any special agency),—

(a) its prosecution Wing to initiate prosecution in the Special Court in respect of the cases investigated by the investigation agency (including any special agency); or
(b) any other agency in respect of the cases investigated by such agency on the direction of Lokayukta to obtain its approval and thereafter initiate prosecution in the Special Court and forward a copy of charge-sheet filed by it under this clause to the Lokayukta for the purposes of superintendence

(9) The Lokayukta may, during the preliminary inquiry or the investigation, as the case may be, pass appropriate orders for the safe custody of the documents relevant to the preliminary inquiry or, as the case may be, investigation, as it deems fit.

(10) The website of the Lokayukta shall, from time to time and in such manner as may be specified by regulations, display to the public, the status of number of complaints pending before it or disposed of by it.

(11) The Lokayukta may retain the original records and evidences, which are likely to be required in the process of preliminary inquiry or investigation or conduct of a case by it or by the Special Court.

(12) Save as otherwise provided, the manner and procedure of conducting a preliminary inquiry or investigation (including such material and documents to be made available to the public servant) under this Act, shall be such as may be specified by regulations.

82. If, at any stage of the proceeding, the Lokayukta—

(a) considers it necessary to inquire into the conduct of any person other than the accused; or

(b) is of opinion that the reputation of any person other than an accused is likely to be prejudicially affected by the preliminary inquiry, the Lokayukta shall give to that person a reasonable opportunity of being heard in the preliminary inquiry and to produce evidence in his defence, consistent with the principles of natural justice.

83. Subject to the provisions of this Act, for the purpose of any preliminary inquiry or investigation, the Lokayukta or the investigating authority, as the case may be, may require any public servant or any other person who, in its opinion, is able to furnish information or produce documents relevant to such preliminary inquiry or investigation, to furnish any such information or produce any such document.

84. (1) No sanction or approval of any authority shall be required by the Lokayukta for conducting investigation by any agency in respect of the cases investigated by such agency on the direction of the Lokayukta, under section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, as the case may be, for the purpose of making preliminary inquiry by the Inquiry Wing or investigation by any agency into any complaint against any public servant or for filing of any charge sheet or closure report on completion of investigation in respect thereof before the Special Court under this Act.

(2) A Special Court may, notwithstanding anything contained in section 197 of the Code of Criminal Procedure, 1973 or section 19 of the Prevention of Corruption Act, 1988, on filing of a charge sheet on completion of investigation, by the Lokayukta or any officer authorised by it in this behalf, take cognizance of offence committed by any public servant.

(3) Nothing contained in sub-sections (1) and (2) shall apply in respect of the persons holding the office in pursuance of the provisions of the Constitution and in respect of which a procedure for removal of such person has been specified therein.

(4) The provisions contained in sub-sections (1), (2) and (3) shall be without prejudice to the generality of the provisions contained in article 311 and sub-clause (c) of clause (3) of article 320 of the Constitution.

85. Where, after the conclusion of the investigation, the findings of the Lokayukta disclose the commission of an offence under the Prevention of Corruption Act, 1988 by a public servant referred to in clause (a) or clause (b) or clause (c) of sub-section (1) of section 75, the Lokayukta may file a case in the Special Court and shall send a copy of the report together with its findings to the competent authority.
CHAPTER VIII
POWERS OF LOKAYUKTA

86. The Lokayukta shall, notwithstanding anything contained in any other law for the time being in force, have the powers of superintendence and direction over the investigation agency in respect of the matters in so far as they relate to the investigation by such agency under this Act.

87. (1) If the Lokayukta has reason to believe that any document which, in its opinion, shall be useful for, or relevant to, any investigation under this Act, are secreted in any place, it may authorise any agency to whom the investigation has been given to search for and to seize such documents.

(2) If the Lokayukta is satisfied that any document seized under sub-section (1) may be used as evidence for the purpose of any preliminary inquiry or investigation under this Act and that it shall be necessary to retain the document in its custody or in the custody of such officer as may be authorised, it may so retain or direct such authorised officer to retain such document till the completion of such preliminary inquiry or investigation:

Provided that where any document is required to be returned, the Lokayukta or the authorised officer may return the same after retaining copies of such document duly authenticated.

88. (1) Subject to the provisions of this section, for the purpose of any preliminary inquiry, the Inquiry Wing of the Lokayukta shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:

(i) summoning and enforcing the attendance of any person and examining him on oath;
(ii) requiring the discovery and production of any document;
(iii) receiving evidence on affidavits;
(iv) requisitioning any public record or copy thereof from any court or office;
(v) issuing commissions for the examination of witnesses or documents:

Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokayukta, is not in a position to attend the proceeding before the Lokayukta; and

(vi) such other matters as may be prescribed.

(2) Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

89. (1) The Lokayukta may, for the purpose of conducting any preliminary inquiry or investigation, utilise the services of any officer or organisation or investigation agency of the State Government.

(2) For the purpose of preliminary inquiry or investigating into any matter pertaining to such inquiry or investigation, any officer or organisation or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Lokayukta,-

(a) summon and enforce the attendance of any person and examine him;
(b) require the discovery and production of any document; and
(c) requisition any public record or copy thereof from any office.

(3) The officer or organisation or agency whose services are utilised under sub-section (2) shall inquire or, as the case may be, investigate into any matter pertaining to the preliminary inquiry or investigation and submit a report thereon to the Lokayukta within such period as may be specified by it in this behalf.

90. (1) Where the Lokayukta or any investigation officer authorised by it in this behalf, has reason to believe, the reason for such belief to be recorded in writing, on the basis of material in his possession, that—

(a) any person is in possession of any proceeds of corruption;
(b) such person is accused of having committed an offence relating to corruption; and
(c) such proceeds of offence are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceedings relating to confiscation of such proceeds of offence, he may, by order in writing, provisionally attach such property for a period not exceeding ninety days from the date of the order, in the manner provided in the Second Schedule to the Income-tax Act, 1961 and the Lokayukta shall be deemed to be an officer under sub-rule (e) of rule 1 of that Schedule.

(2) The Lokayukta shall, immediately after attachment under sub-section (1), forward a copy of the order, along with the material in his possession, referred to in that sub-section, to the Special Court, in a sealed envelope, in the manner as may be prescribed and such Court may extend the order of attachment and keep such material for such period as the Court may deem fit.

412
Every order of attachment made under sub-section (1) shall cease to have effect after the expiry of the period specified in that sub-section or after the expiry of the period as directed by the Special Court under sub-section (2).

(4) Nothing in this section shall prevent the person interested in the enjoyment of the immovable property attached under sub-section (1) or sub-section (2), from such enjoyment.

Explanation.—For the purposes of this sub-section, "person interested", in relation to any immovable property, includes all persons claiming or entitled to claim any interest in the property.

91. (1) The Lokayukta, when it provisionally attaches any property under sub-section (1) of section 90 shall, within a period of thirty days of such attachment, direct its prosecution wing to file an application stating the facts of such attachment before the Special Court and make a prayer for confirmation of attachment of the property till completion of the proceedings against the public servant in the Special Court.

(2) The Special Court may, if it is of the opinion that the property provisionally attached had been acquired through corrupt means, make an order for confirmation of attachment of such property till the completion of the proceedings against the public servant in the Special Court.

(3) If the public servant is subsequently acquitted of the charges framed against him, the property, subject to the orders of the Special Court, shall be restored to the concerned public servant along with benefits from such property as might have accrued during the period of attachment.

(4) If the public servant is subsequently convicted of the charges of corruption, the proceeds relatable to the offence under the Prevention of Corruption Act, 1988 shall be confiscated and vest in the Central Government free from any encumbrance or leasehold interest excluding any debt due to any bank or financial institution.

Explanation.—For the purposes of this sub-section, the expressions "bank", "debt" and "financial institution" shall have the meanings respectively assigned to them in clauses (d), (g) and (h) of section 2 of the Recovery of Debts due to Banks and Financial Institutions

92. (1) Without prejudice to the provisions of sections 90 and 91, where the Special Court, on the basis of prima facie evidence, has reason to believe or is satisfied that the assets, proceeds, receipts and benefits, by whatever name called, have arisen or procured by means of corruption by the public servant, it may authorise the confiscation of such assets, proceeds, receipts and benefits till his acquittal.

(2) Where an order of confiscation made under sub-section (1) is modified or annulled by the High Court or where the public servant is acquitted by the Special Court, the assets, proceeds, receipts and benefits, confiscated under sub-section (1) shall be returned to such public servant, and in case it is not possible for any reason to return the assets, proceeds, receipts and benefits, such public servant shall be paid the price thereof including the money so confiscated with the interest at the rate of five per cent. per annum thereon calculated from the date of confiscation.

93. (1) Where the Lokayukta, while making a preliminary inquiry into allegations of corruption, is prima facie satisfied, on the basis of evidence available, that—

(a) the continuance of the public servant referred to in clause (d) or clause (e) of sub-section (1) of section 75 in his post while conducting the preliminary inquiry is likely to affect such preliminary inquiry adversely; or

(b) the public servant referred to in clause (a) is likely to destroy or in any way tamper with the evidence or influence witnesses, then, the Lokayukta may recommend to the State Government for transfer or suspension of such public servant from the post held by him till such period as may be specified in the order.

(2) The State Government shall ordinarily accept the recommendation of the Lokayukta made under sub-section (1), except for the reasons to be recorded in writing in a case where it is not feasible for administrative reasons.

94. The Lokayukta may, in discharge of its functions under this Act, issue appropriate directions to a public servant entrusted with the preparation or custody of any document or record—

(a) to protect such document or record from destruction or damage; or

(b) to prevent the public servant from altering or secreting such document or record; or

(c) to prevent the public servant from transferring or alienating any assets allegedly acquired by him through corrupt means.
95. The Lokayukta shall function as the final appellate authority in respect of appeals arising out of any other law for the time being in force providing for delivery of public services and redressal of public grievances by any public authority in cases where the decision contains findings of corruption under the Prevention of Corruption Act, 1988.

96. The Lokayukta may, by general or special order in writing, and subject to such conditions and limitations as may be specified therein, direct that any administrative or financial power conferred on it may also be exercised or discharged by such of its Members or officers or employees as may be specified in the order.

97. The provisions contained in Chapters IX, X, XI, XII, XIII, XIV and XV (except section 62) shall apply to a Lokayukta and shall have effect, subject to the following modifications, namely:—

(a) references to "President" shall be construed as references to "Governor of the State";
(b) references to the "Central Government" shall be construed as references to "State Government";
(c) references to "each House of Parliament" or "Parliament", shall be construed as references to "Legislature of the State";
(d) references to "Lokpal" shall be construed as references to "Lokayukta";
(e) references to "Comptroller and Auditor-General of India" shall be construed as references to "Accountant General of the State";
(f) references to "Chief Justice of India" shall be construed as references to "Chief Justice of the High Court of the State".
APPENDIX-VIII

QUESTIONNAIRE

Respected Sir/madam,

I, Rangaswamy D, Assistant Professor of Law, Government Law College, Ramanagara, am pursuing Ph.D. on the topic “A Critical Study of Working and Functioning of Lokayukta in Prevention of Corruption in Karnataka”. In this connection, I request your good self to kindly give your opinion for the following questions and enable me to complete the thesis. Your identity and opinion expressed in the questionnaire will be kept confidential.

Your faithfully

Rangswamy D

A. Name of the Respondent:
B. Sex: Male/Female
C. Age:
D. Educational Qualification:
E. Occupation: F. Place & Date:

1. How do you describe the general situation since independence?
   1) Very significant progress 2) Somewhat significant progress 3) Little progress 4) No progress

2. How satisfied are you with the overall situation?
   1) Very satisfied 2) somewhat satisfied 3) somewhat dissatisfied 4) Very dissatisfied

3. Which of the following is the most important problem facing in the society in recent days?
   1) Poverty 2) Illiteracy 3) Unemployment 4) Corruption 5) Terrorism, 6) Political instability 7) Food security 8) Caste system 9) All

4. What is your perception as to the seriousness of problem of corruption in recent days?
   1) A very serious problem 2) Serious problem 3) Somewhat serious problem 4) Not a serious problem 5) Not at all problem 6) Don’t know

5. How would you compare the level of corruption now versus past?
   1) Increased 2) Increased a little 3) Increased a lot 4) Somewhat higher 5) About the same 6) Decreased 7) Decreased a little 8) Don’t know

6. What is your perception as to the corruption levels in the days to come?
   1) Will increase a lot 2) Will increase a little 3) will be the same as it is 4) Decrease a little 5) Decrease a lot 6) Don’t know

7. Whether problem of corruption completely be eradicated?
   1) Yes Completely 2) To a large extent 3) To a small extent 4) Not possible to remove corruption at all 5) Don’t know

8. How do you get information about corruption?
   1) Mass media (Journals, Newspaper, Radio, T.V) 2) Personal experience 3) Relatives and friends 4) Public officials with whom they interact 5) Police NGO and others

9. What is your perception on concept of corruption?
   1) Abuse of the power 2) Illicit self-enrichment 3) Bribery 4) Maladministration 5) Undue influence 6) Taking money without receipt 7) Gifts/ Offers in return for favours 8) Kick back 9) All
10. How often do you encounter bribery and corruption either as a victim or a witness in your day to day activity?
   1) Very frequently 2) Frequently 3) occasionally 4) rarely 5) Not at all

11. Why are you paying the bribe while dealing with Government Departments?
   1) To avoid problems with the authorities 2) To speed up things
      3) For a contract or other favour 4) others

12. What is your perception as to the trust worthiness of various public institutions?
   1) Very dishonest 2) somewhat dishonest 3) dishonest 4) very honest
      5) somewhat honest 6) honest 7) Don’t know 8) never heard of

13. What is your perception as to the denouncing corruption is unnecessary as it is natural occurrence and part of our daily life?
   1) Completely disagree 2) Disagree 3) Agree
      4) Completely agree 5) don’t know

14. Who are the perpetuators of problem of corruption in recent days?
   1) Politicians 2) Bureaucrats 3) Citizens 4) Business men 5) Middlemen
      6) All 7) Don’t know

15. How often is the following statement true? “If a government agent acts against the rules I can usually go to another official or to his superior and get the correct treatment without recourse to unofficial payments.”
   1) Always 2) Mostly 3) Frequently 4) Never 5) Don’t know

16. Which of the following department is the most corrupt department in the State of Karnataka?
   1) Health 2) Police 3) Education 4) Political parties 5) Revenue 6) Judiciary
      7) Custom 8) Registration and stamp 9) NGO’s 10) Private sector

17. What is your perception on level of corruption in Health department?
   1) Not corrupt at all 2) Somewhat corrupt 3) Corrupt 4) Very corrupt
      5) Extremely corrupt 6) Don’t Know

18. What is your perception on level of corruption in police department?
   1) Not corrupt at all 2) Somewhat corrupt 3) Corrupt 4) Very corrupt
      5) Extremely corrupt

19. What is your perception on level of corruption in education department?
   1) Not corrupt at all 2) Somewhat corrupt 3) Corrupt 4) Very corrupt
      5) Extremely corrupt 6) don’t know

20. What is your perception on level of corruption in political parties?
   1) Not corrupt at all 2) Somewhat corrupt 3) Corrupt 4) Very corrupt
      5) Extremely corrupt 6) Don’t Know

21. What is your perception on level of corruption in revenue department?
   1) Not corrupt at all 2) Somewhat corrupt 3) Corrupt 4) Very corrupt
      5) Extremely corrupt 6) Don’t Know

22. What is your perception on level of corruption in the judiciary?
   1) Not corrupt at all 2) Somewhat corrupt 3) Corrupt 4) Very corrupt
      5) Extremely corrupt 6) Don’t Know

23. What is your perception on level of corruption in custom department?
   1) Not corrupt at all 2) Somewhat corrupt 3) Corrupt 4) Very corrupt
      5) Extremely corrupt 6) Don’t Know
24. What is your perception on level of corruption in registration and stamp department?
   1) Not corrupt at all  2) Somewhat corrupt  3) Corrupt  4) Very corrupt  
   5) Extremely corrupt  6) Don’t Know

25. What is your perception on level of corruption in the NGO’s?
   1) Not corrupt at all  2) Somewhat corrupt  3) Corrupt  4) Very corrupt  
   5) Extremely corrupt  6) Don’t Know

26. What is your perception on level of corruption in the private sector?
   1) Not corrupt at all  2) Somewhat corrupt  3) Corrupt  4) Very corrupt  
   5) Extremely corrupt  6) Don’t Know

27. Why the people engaging in corruption?
   1) Due to the Social reasons  2) Due to the Political reasons  3) Due to the Economic 
   reasons  4) Due to the Administrative reasons  5) Due to the Psychological reasons  6) 
   All

28. Do you think social reasons are root causes of corruption?
   1) Strongly agree  2) Agree  3) disagree  4) Strongly disagree  5) Do not know

29. Which of the following social reason is root cause of corruption?
   1) Poverty 2) Illiteracy 3) Societal acceptance of corruption 4) Changes in life 
   style 5) Government failure to provide minimum facilities to the people 6) All

30. Do you think Economic Reasons are root causes of corruption?
   1) Strongly agree  2) Agree  3) disagree  4) Strongly disagree  5) Do not know

31. Which of the following Economic reason is root cause of corruption?
   1) Devaluation of Rupee  2) Inflation  3) Creation of artificial Scarcity  4) All  5) 
   Don’t Know

32. Do you think psychological Reasons are root causes of corruption?
   1) Strongly agree  2) Agree  3) disagree  4) Strongly disagree  5) Do not know

33. Which of the following psychological reason is root cause of corruption?
   1) Race or comparison with others  2) greed to acquired more property  3) Family 
   Centric  4) Lack of Ethical Sense  4) All the above 5) Don’t know

34. Do you think Political Reasons are root causes of corruption?
   1) Strongly agree  2) Agree  3) disagree  4) Strongly disagree  5) Do not know

35. Which of the following political reason is root cause of corruption?
   1) Want of political will  2) Weak Election process  3) Weak political leadership  4) 
   All

36. Do you think Administrative Reasons are root causes of corruption?
   1) Strongly agree  2) Agree  3) disagree  4) Strongly disagree  5) Do not know

37. Which of the following Administrative reason is root cause of corruption?
   1) Over centralized system  2) Cumbersome rule and regulation  3) Vast 
   discretionary power  4) Process of appointment of Administrators  5)All

38. Do you think Legislative Reasons are root causes of corruption?
   1) Strongly agree  2) Agree  3) disagree  4) Strongly disagree  5) Do not know

39. Which of the following Legislative reason is root cause of corruption?
   1) Weak Anti-corruption Law  2) Week Enforcement of Existing Anti-corruption 
   Law 3) Weak Punishments  4) All

40. Do you suggest counselling for women against corruption?
   1) Yes  2) No  3) Don’t Know
41. Do you suggest prohibition of Benami Transaction of Government Officials? 
   1) Yes   2) No   3) Don’t Know

42. What is your perception as to the level of Government commitment to fight corruption? 
   1) Very well   2) well   3) somewhat well   4) Not well 5) No commitment at all 6) No opinion

43. What is your perception as to consequences of the corruption? 
   1) The transition process gets retarded 
   2) The development of the private sector gets retarded 
   3) The loss of confidence in one’s own abilities – the rule of money 
   4) The number of those citizens believing that honesty works – declines 
   5) Moral decline of the society 
   6) Human rights get infringed 
   7) Decline in moral standards 
   8) It endangers the security of the state 
   9) Degrade the status of the nation at international level 
   10) Foreign Investor will lose their interest to invest 
   11) Above all

44. What is your perception as to the great access for citizens and news media to Government Information in controlling corruption? 
   1) Very effective   2) Somewhat Effective   3) effective4) Not effective 4) Don’t know

45. What is your perception as to the Legal Protection for Whistle Bowlers in controlling corruption? 
   1) Very effective   2) Somewhat Effective   3) effective 4) Not effective 5) Don’t know

46. What is your perception as to the vigorous news media investigation of corruption cases in controlling corruption? 
   1) Very effective   2) Somewhat Effective   3) effective 4) Not effective 5) Don’t know

47. What is your perception as to the tougher legislation enabling more prosecution and harsher sentences for corruption cases in controlling corruption? 
   1) Very effective   2) Somewhat Effective   3) effective 4) Not effective 5) Don’t know

48. What is your perception on Codes of conduct to promote professional ethics in public service in controlling corruption? 
   1) Very effective   2) Somewhat Effective   3) effective 4) Not effective 5) Don’t know

49. What is your perception as to the increased commitment by political and business leaders to fight corruption and fraud in controlling corruption? 
   1) 1) Very effective   2) Somewhat Effective   3) effective 4) Not effective 5) Don’t know

50. What is your perception on Schools placing more emphasis on moral values in controlling the corruption in future? 
   2) 1) Very effective   2) Somewhat Effective   3) effective 4) Not effective 5) Don’t know

51. What is your perception on media campaign to raise public awareness of the extent and costs of corruption in controlling corruption? 
   1) Very effective   2) Somewhat Effective   3) effective 4) Not effective 5) Don’t know
52. What is your perception on more resources to investigate and prosecute corruption cases in controlling corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

53. What is your perception on establishment of special anti-corruption courts in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

54. What is your perception on establishment of a single independent agency dedicated to fight corruption in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

55. What is your perception on dismissing corrupt convicted officials from holding public office in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

56. What is your perception on increased salary for the Government servants in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

57. What is your perception on Greater internal financial controls and internal audits of government spending in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

58. What is your perception on greater transparency of Government tender procedure in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

59. What is your perception on verifying qualification of all potential incumbents in the public service in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

60. What is your perception on disclosure by top public officials and politicians of all financial assets in prevention of corruption?
   2) 1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know.

61. What is your perception on greater transparency of political party finance in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

62. What is your perception on opposition parties and civil society role as ‘watchdog’ over government activities in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

63. What is your perception on increasing the ability of parliament to oversee the activities of Government in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know
64. What is your perception on more research on the causes, nature and extent of corruption in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know.

65. What is your perception on organization of regular anti-corruption conferences/Seminars/Workshops that bring together all sectors and stakeholders in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

66. What is your perception on the participative Government decision and implementation process in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

67. What is your perception on role of citizen charters in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

68. What is your perception on role of SAKALA in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

69. What is your perception as to the recognition and fair reward to the departments that voluntarily embody good anti-corruption policies?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

70. What is your perception on role of E-Governance in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know.

71. What is your perception as to recognize the offering of bribe as an offence in prevention of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

72. What is your perception as to bringing private into anti-corruption laws in order to prevent the problem of corruption?
   1) Very effective  2) Somewhat Effective  3) effective  4) Not effective  5) Don’t know

73. How would you evaluate the following reforms in prevention of corruption?
   1. Meritocracy: promotions are based on performance indicators
   2. A law ensuring transparency in political party financing
   3. Civil society monitoring of public sector activities
   4. Simplification and clarity of public administration Rules
   5. A law on free public access to government Information
   6. Privatization of more public services
   7. Decrease of the number of public officials, increase salaries
   8. Legalization of corruption

74. Which institution do you trust most to fight corruption in the State?
   1) Central Bureau of Investigation  2) CVC  3) Executive  4) International organizations  5) Judiciary  6) Legislature  7) Lokayukta  8) Respective Departments

75. Are you familiar with the Lokayukta?
   1) Yes  2) No  3) Don’t know
76. How confident are you about the Karnataka Lokayuka’s ability to fight corruption?
   1) Very confident   2) Somewhat confident   3) Confident   4) Not confident   5) Not confident at all   6) Don’t Know

77. How would you evaluate the process of reporting corruption cases to Lokayukta?
   1) The process is very difficult   2) The process is difficult   3) The process is very simple   4) The process is simple   5) Don’t know the process at all

78. How much each one of the following reasons affects the decision not to report a case of corruption to Karnataka Lokayukta?
   1) Not knowing where to report
   2) Cases cannot be proved
   3) The process is too complex and long
   4) Corruption is a custom
   5) Bribes can be justified under the current economic situation
   6) Investigations cannot be made about the report
   7) There would be no enforcement even if the decision is made
   8) Concern about potential harassment and reprisal